

San Diego

PUBLIC ART MASTER PLAN

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SECTION ONE:
INTRODUCTION

PUBLIC ART VISION

Vision statement under development.

EXECUTIVE SUMMARY

Public art produced by and for the citizenry has been an essential component of great civilizations throughout the world. Since the first public art program was initiated in Philadelphia, Pennsylvania, in 1959, hundreds of cities have established similar programs throughout the United States. The public art movement in California is making headway. In 2001, over 50 California municipalities were running active public art programs, and hundreds of programs have been established by independent non-profit agencies and entities like hospitals and developers.

In its best realization, public art has the power to transform communities, invigorate and energize their population, inspire passion and enthusiasm about the built environment, and engender ownership in artworks and the neighborhood at large. Public art has turned communities from anonymous series of spaces into rich landscapes that reflect history, embrace and honor cultural differences, teach social values, and help us to be better citizens.

San Diego possesses a stunningly beautiful natural environment. Some might say this makes public art almost redundant. But that is not how the population feels, and that is not the reality. The citizens of San Diego are demanding a dedicated public art program – most of the over 100 participants in this planning process passionately voiced their concerns about the urban landscape, and their desire for a program that reflects San Diego's uniqueness.

Public art is not merely a decoration for a community. Although it results in more interesting and aesthetic public spaces that make people think and engage in their environment, a public art program is not just its end result. A great deal of its power lies in the way it engages the community and gives people the chance to have a hand in shaping their surroundings. .

San Diego has had a public art program in place since 1984. In that time, it has depended on the voluntary identification of projects suitable for public art by individual departments in the City. This has resulted in a collection of approximately 70 works of public art (many of which are hidden from public view). However, voluntary programs rarely provide the opportunity for long-term planning and investment in creating a public art program that fulfills the goals of all segments of the population, and the city's overall vision for the development of its culture, economy, and quality of life.

The Public Art Master Plan was initiated in order to examine the means of strengthening the existing public art program, and the feasibility of establishing a program with broader applicability and significance for the entire population. As part of the planning process, the consultants met with over 100 individuals representing many diverse spectra of the San Diego population; held numerous focus groups; met with a planning process Steering Committee seven times; conducted a series of *charettes* for local artists, architects, engineers, project managers, landscape architects, and interested citizens; and submitted many drafts of the plan for extensive comment and input from planning participants.

The resulting plan focuses on strengthening the City of San Diego's Public Art Program through two avenues. The first is by increasing the opportunity for meaningful community involvement and participation in the program while increasing general awareness of the program. The plan contains recommendations on modifying the process of project and artist selection to provide for greater involvement; ways of collaborating with other City departments and independent agencies in the city of San Diego; means of providing important training and opportunities for local artists; and allying public art with larger community and urban design issues in the city.

The second avenue centers on the administration and organization of the Public Art Program, including funding. The plan presents means of streamlining the

program's processes. It discusses means for funding public art programs and provides a comparison with comparable cities' programs. The planning process involved extensive discussions about the feasibility of the establishment of a required percent-for-art City policy, and a similar requirement for private development. The plan includes a set of recommendations on means for solidifying financial support for the program through a variety of funding streams, including public and private participants.

The plan also contains a policy, a set of guidelines, and principles for the Commission's Public Art Program, outlining the future administration of the program in order to fulfill the steps recommended in the report.

The key proposed recommendations are as follows:

Celebrating San Diego: Community Identity

- 1.1: The public art program should reinforce the place-making goals of the City's development efforts, by commissioning artworks that are visually distinctive and become associated with the identity of the City and individual neighborhoods.
- 1.2: The Commission for Arts and Culture should strive to identify opportunities for public art in neighborhoods throughout San Diego.
- 1.3: The Commission for Arts and Culture should establish neighborhood identity programs as a component of the Public Art Program.
- 1.4: The Commission for Arts and Culture should partner with artists, galleries, museums, arts professionals, architects and urban planners, universities, community members, businesses and a variety of planning agencies (Centre City Development Corporation [CCDC], Port of San Diego, Downtown Partnership, etc.) to establish public art priorities and create landmark artworks in the city.
- 1.5: The City and its planning and redevelopment agencies should continue to provide opportunities for public art and other amenities, in accordance with their approved planning documents.
- 1.6: The City should incorporate public art into City of San Diego strategies, plans and frameworks.
- 1.7: The Commission for Arts and Culture should involve people who both reflect San Diego's diverse population and who have knowledge of the

- arts, arts production and arts presentation on artist selection panels and on its Public Art Committee.
- 1.8: The Public Art Programs should emphasize the artistic and visual relationship between San Diego and Tijuana in some public art projects.

Creating a Community of Support

- 2.1: The Commission and Public Art Committee should emphasize a comprehensive program of community education and outreach on public art, directed to the general public and to the numerous special constituencies affected by the program. These include artists and design professionals, schools, neighborhoods and diverse communities, corporate and private development interests and public sector officials.
- 2.2: Commission staff should ensure that adequate (no fewer than three) public meetings are held in conjunction with each public art project it initiates.
- 2.3: For each new public artwork, a specific marketing plan should be formulated to introduce and educate the public to the project.
- 2.4: The Commission should create a temporary works program, including an educational component, designed to introduce all sectors of the broad San Diego community to public art.
- 2.5: A marketing program for the Public Art Program should be developed, including an expanded website, maps to the individual artworks, and a database of the City's public art collection.

Supporting Artists

- 3.1: The Commission for Arts and Culture should establish policies that produce a balance of high profile projects by local, regional, national and international artists, focusing on quality.
- 3.2: The Commission for Arts and Culture should develop policies that include, but not be limited to, balancing the rights of the City and the rights of artists in an equitable manner, the assurance of artists' freedom of expression, and advocacy of issues related to artists.
- 3.3: The Commission for Arts and Culture should hire experienced public artists or public art administrators to develop and provide an ongoing series of seminars and workshops to educate local and regional artists who would like to enter the public art field.
- 3.4: The Commission for Arts and Culture should engage artists experienced in public art and public art administrators to train project managers, engineers, architects, contractors and other design professionals in strategies to work effectively with artists in the creative process.

- 3.5: The Commission for Arts and Culture should adopt the philosophy that, to the extent practicable, artists shall be equal members of the design team in all capital improvement projects, contracted at the conceptual design phase.
- 3.6: All artist contracts should be executed between the artist and the Commission for Arts and Culture, rather than between the artist and the project contractor.
- 3.7: Performance bonds, being prohibitively expensive for artists, should not be required.

Enhancing the Urban Environment

- 4.1: The City should reference the public art program and the City's intention to encourage artist and local neighborhood collaboration on the design team in all future requests for proposals and contracts for major capital improvement project architects, engineers and landscape architects.
- 4.2: The City should include, wherever possible, at least one representative from the project design and construction personnel (architect, engineer, landscape architect, etc.) as advisors to the artist selection panel.

Managing the Program: Process and Administration

- 5.1: The public art program should be managed by the Commission for Arts and Culture, with the Commission-appointed Public Art Committee continuing to advise on program vision and aesthetic decisions.
- 5.2: The Commission should submit an annual public art workplan to City Council to propose public art projects for the next fiscal year, give a status report on current projects and report on projects completed in the last year.
- 5.3: Future large-scale public art projects should be scheduled to permit artists' involvement at the earliest stages of design with the intention of making the artist an integral part of the project design team. This is usually best accomplished by the concurrent selection of the artist and the project architect.
- 5.4: 15% of the public art funds should be reserved in a segregated account within the Public Art Fund for program administration and community participation, artist selection processes, community outreach and publicity, project documentation, children's education, art programs and other appropriate related purposes.
- 5.5: In the future, consideration should be given to funding public art program staff through the General Fund, or by a mix of the General and Public Art Funds.

- 5.6: The Commission for Arts and Culture should manage and house all artists' contracts and act as a liaison between artists and project engineers, managers, etc.
- 5.7: The City should adopt a series of artists' contract templates for use in public art projects, recognizing that these contracts will need to be customized to fit the needs of specific projects.
- 5.8: The Commission for Arts and Culture should continue to work with the City Attorney to achieve goals related to the federal Visual Artists' Rights Act (VARA), the California Civil Code Section 987 and federal and international copyright laws, recognizing that the City must retain control of its public spaces for future use and reuse.
- 5.9: The City should adopt the attached program guidelines and policies, outlining allowable artist selection processes.
- 5.10: 10% of the public art funds, to the extent permitted by law and the funding sources, should be set aside in a separate pooled, interest-bearing account within the Public Art Fund for collections management and the preservation and maintenance of the public art collection.
- 5.11: Routine maintenance of public artworks should be the responsibility of the agency at which the artwork is sited, in accordance with maintenance guidelines provided by the project artist, and with oversight by the Commission for Arts and Culture. All non-routine maintenance should be the responsibility of the Commission.
- 5.12: The Commission should offer periodic workshops on maintenance to city line workers in departments responsible for maintaining public art works.
- 5.13: The Commission for Arts and Culture should hire professional art conservators to identify maintenance issues and to assist in training City workers in routine maintenance. Conservators should be responsible for major restorations, when needed.
- 5.14: The Commission for Arts and Culture should conduct a maintenance survey of the entire collection at least once every five years.
- 5.15: The Commission for Arts and Culture should modify the number of Public Art Committee members to a maximum of nine, with representation to include public artists, public art professionals, business leaders, community leaders and members of the Arts Commission.
- 5.16: The Commission for Arts and Culture should update the Public Art Master Plan every five years.

Identifying Funding

- 6.1: The San Diego City Manager should annually propose that the City's Public Art Program be funded by 2% of the annual Capital Improvement Program budget.

- 6.2: In Capital Improvement Program projects that are supported by Enterprise Funds, the 2% public art allocation should be applied only to above-grade improvements and any public art monies should be expended at the sites generating the monies.
- 6.3: To the extent permitted by law, the requirements of grants and/or applicable bond resolutions, monies appropriated under the revised public art policy should not be required to be spent on the projects that generated them. Project monies should be able to be pooled and expended for any public art project in the City.
- 6.4: Pooled monies in the Public Art Fund should be allowed to be expended for temporary works.
- 6.5: The provisions of the revised public art program should be extended to include any public-private development projects in which the City participates.
- 6.6: The City should establish, by ordinance, a two percent for public art or the use of space within the development for cultural use requirement for all private, non-residential development projects with construction budgets of over \$10 million, with a 1% in-lieu option.
- 6.7: Proposed donations of artworks should follow the same rigorous review process as any other public art project. Prospective donors should be invited to participate in the artist selection panel if the proposal is to commission a new work of art.
- 6.8: Privately donated artworks should have an attached maintenance endowment, to ensure for the long-term care for the artwork.

**PREFACE:
PUBLIC ART'S NATIONAL IMPACT**

The contemporary public art movement in this country began in 1959 in Philadelphia. Several artists who were studying in Europe following World War II noted that it was customary, during the reconstruction, for European cities to devote a portion of construction budgets for the acquisition and commissioning of art. The artists discussed this idea with the architect, Louis Kahn, who was at that time the President of the Philadelphia Redevelopment Agency. Kahn proposed that the Agency begin allocating 1% of its capital construction budget for art. In 1959, the country's first percent for art program was born.

In the ensuing forty years, more than 400 percent for art programs have been created, at the federal, state and local government levels, as well as transit agencies, port authorities, redevelopment corporations and other quasi-government agencies. San Diego passed a 1% for art ordinance in 1983 and has commissioned more than seventy artworks since the inception of the program.

Public agencies have initiated public art programs for a variety of reasons:

- To enhance the public's experience with and appreciation for the arts.
- To create successful and engaging public spaces.
- To elevate the quality of urban design.
- To enhance public infrastructure.
- To increase the use of public facilities, such as transit systems.
- To strengthen neighborhood and community identity.
- To commemorate communities' histories and celebrate diversity.
- To provide opportunities for education and learning.
- To create opportunities for local and regional artists to develop their talents.

The following examples demonstrate how various cities have employed their public art programs to create value in their communities and to benefit citizens and visitors alike.

Enhancing the public's experience of and appreciation for the arts

Chicago established its public art program in 1978. It allocates 1.33% of the cost of new construction of municipal buildings and public outdoor areas to the acquisition and installation of art. The emphasis of this program, from the beginning, has been the commissioning of major international artists to create works that have become icons, instantly identifiable with the City of Chicago. These works include Picasso's *Head of a Woman* and Alexander Calder's *Pink Flamingo*. This approach to public art symbolizes the notion of the "museum without walls," where public spaces became an opportunity to showcase the world's greatest art, outside the confines of museums, where relatively few of the citizens experienced visual art.

On a more modest level, cities like Seattle have attempted to weave public art into the urban fabric. Seattle passed its 1% for art ordinance in 1973, to include all city capital construction. In many cases, works of relatively small scale are commissioned, focusing on enhancing the public's experience of surprise and serendipity in the cityscape. On Broadway Avenue, which connects the University District to downtown, artist Jack Mackie created a work entitled *Dancesteps on Broadway*, where he inlaid eight bronze sets of dance patterns into the sidewalks. Passersby grab a partner and begin to dance in the streets. As cities look for new ways to animate their streets in a fun, non-threatening positive way, this "artwork" has delivered a classic urban success story.

Creating successful and engaging public spaces

The idea of "place-making" emerged early in the contemporary public art movement. It suggested that public art could create engaging and successful public spaces by making them memorable and by using art to define the meaning

of the place. In the early 1990s, the City of Denver set aside 1% of the construction budget of the new Denver International Airport (resulting in more than \$7.5 million in arts funding) to commission artworks. Many of the works spoke to the meaning of the place. For example, Terry Allen created a work entitled *Notre Denver* for the baggage claim area. Gargoyles, based on the figures at the Notre Dame cathedral, emerge from suitcases to provide protection from the spirits that might otherwise bedevil the traveler.

Several cities have employed their public art programs as a magnet for tourism. San Francisco, which established the first 2% for art program in the nation in 1967, actively markets its public art program with walking tours and brochures that invite the visitor to engage in the lively street life of the city. Likewise, the Miami-Dade Art in Public Places Program (which allocates 1.5% of public construction costs for art) welcomes visitors with artworks by national and international artists which infuse the airport and the freeways leading to the city. .

Elevating the quality of urban design in cities

Many communities have become interested in engaging artists to focus on their larger urban design issues. In Los Colinas, Texas, a major development constructed high-rise buildings around a plaza that spanned almost three football fields. There was a huge contrast in scale between the people crossing the plaza and the massive buildings that surrounded them on three sides. Artist Robert Glenn was commissioned to create an artwork that would remedy the problem. He designed a herd of oversized mustangs that appeared to be running across the plaza, creating a sense of human scale to the plaza.

The Los Angeles Community Redevelopment Agency instituted its public art program in 1985. Its policy allocates 1% of development costs for public and private art projects. Developers may use up to 60% of the 1% requirement for on-site public art, and at least 40% must be contributed to a cultural trust fund. Major works include Andrew Leicester's *Zanja Madre* (Mother Ditch), a plaza which

chronicles the “water wars” in Los Angeles in the early 1900s. Artworks such as these not only elevate the quality of urban design, they serve a purpose of educating and enriching the knowledge base of all who come to this urban experience.

In 1995, Broward County, Florida, enacted the first 2% for art ordinance on the east coast. The program allocates funding for artists to provide design expertise for a broad range of capital improvement projects, with a special emphasis on improving urban design. Concerned with unfettered, undifferentiated development, from Palm Beach County to Dade, from the Atlantic to the Everglades, the program sought to insert public art into the basic urban design development of the county. Major projects include the involvement of artists in the design of transportation connections and community entryways. Citizens, as well as visitors, benefit from a uniquely local, aesthetic experience.

Enhancing the public infrastructure

Some public art programs have focused on the enhancement of public infrastructure – the complete integration of the artwork into the underlying capital projects. Phoenix, Arizona, passed its 1% for art program in 1986, allocating 1% of capital construction projects. The program has completed 80 projects, most of which are fully integrated works. Artists are involved in the design of solid waste transfer stations, pedestrian bridges and soundwalls. In one notable project, artist Marilyn Zwak designed a freeway overpass that incorporated images of Native American petroglyphs in the overpass supports. By creating additional points of support for the overpass, she reduced its construction costs by more than \$700,000.

Likewise, the City of Seattle involves artists in the design of new electrical substations for Seattle City Light, a municipally owned electrical utility. Before artists were involved in the design process, Seattle City Light budgeted two years in the construction schedule for new electrical substations to allow for

neighborhood and community objections. The involvement of artists in the Viewlands-Hoffman substation and other facilities, however, demonstrated that the design of new electrical facilities need not negatively affect local property values. As a result, the delay time for community objection to new substations was reduced to zero.

In San Jose, California, artist Mel Chin was given the challenge of creating artworks for the new joint library being developed by the City of San Jose and San Jose State University. He believed that the artwork should reinforce the mission of the library as an avenue to knowledge. He proposed 33 public art “interventions” that suggested paths to the literary collections. From artworks that illustrate the library’s extensive Steinbeck holdings to pieces that celebrate the rich Hispanic heritage of the city, the public art installations reinforce the intellectual mission of the institution.

Increasing the use of public facilities, such as transit systems

The range of public agencies and institutions that have embraced the concept of public art is very broad. This commitment to public art does not arise from some notion that public art, in and of itself, is valuable. Rather, experience has demonstrated that public art and quality design can increase public use and enjoyment of public facilities. The broader acceptance and uses of public transportation is critical for increasing the overall quality of life in the 21st century urban environment. Transit systems all across the nation are involving artists in the design of their stations. This arises from the realization that well-designed and aesthetically pleasing facilities can enhance ridership and contribute to a sense of well being. The designers of the Portland, Oregon, transit system, convinced that unique and engaging station designs would be essential to the long term health of the system, insisted that artists be involved in the design. Portland’s Tri-Met system is funded from 1.5% of capital construction projects.

Dallas, Texas, enacted its 1.5% for art ordinance in 1988, while the convention center was being expanded to add more than 140,000 square feet in exhibition and meeting space. For that project, only \$250,000 was available for public art – hardly sufficient for such a major facility. The funds were used to engage an artist design team led by Brad Goldberg to design the terrazzo floors throughout the facility. Using the budget for the floors, the artists create a 140,000 square-foot “painting” that incorporates the entire history of North Texas – geological, anthropologic and social. In the convention center marketing materials, the public artworks are centrally featured and serve as a cultural arts destination for this public facility.

Strengthening neighborhood and community identity

Public art can be a powerful tool for reinforcing neighborhood and community identity. Increasingly, people identify not just with their cities, but with their immediate neighborhoods. In Minneapolis, which initiated its percent for art program in 1987, special emphasis has been placed on commissioning public art that delineates the city’s many individual neighborhoods. To date, thirteen major works have been completed that reflect the unique character of each community. The residents of the neighborhoods have had an integral part both in envisioning and creating the artwork, as well as, in many cases, maintaining the pieces. The act of creating and living with these neighborhood public artworks leads to a sense of ownership and community pride which helps raise the self-esteem of all who live within a neighborhood.

Commemorating local history and celebrating diversity

In many communities, public art is used to reveal the history and diversity of the community. In Los Angeles, the Metropolitan Transit Authority has developed numerous projects that reveal the history and peoples of the neighborhoods through which the system traverses. At the Wilshire/Western station, artist Richard Wyatt has created two 52-foot murals that honor historic figures as well

as current residents. The extraordinary diversity of Los Angeles is portrayed in these artworks.

San Jose, California, established its public art program in 1984. In 1992, it increased the public art program from 1% to 2% of the capital construction budgets, including private projects supported by the Redevelopment Agency. During this period, the city was going through a period of massive urban renewal, with many vestiges of the past being obliterated. An early focus of the public art program was to shed light on the multi-layered histories of the city. Major artworks, such as the *Founding of the Pueblo*, the *Agricultural History of San Jose*, the life of *Dr. Ernesto Galarza* (San Jose State professor and founder of the American Chicano movement), the *Ohlone (Indian) Way of Life*, and the turn-of-the-century *Chinatown*, recall historically and culturally important stories of San Jose.

Providing opportunities for education and learning

Public art projects can provide important opportunities for artists to create learning opportunities. At the solid waste transfer station in Phoenix, Arizona, artists Linea Glatt and Michael Singer created a display that illustrated the stream of trash from the garbage can to the landfill. Called the "Garbage Diner," students were introduced to the display which followed the path that society's debris takes from the dinner table or the waste basket to the landfill. As a result of the artists' work, all Phoenix elementary school children take a class on the disposal of trash.

Creating opportunities for local and regional artists

One of the most significant roles of public art programs is the development of local and regional artists. The emerging tendency of public art programs to emphasize the involvement of artists on design teams has meant that the creation of a cadre of local artists who are skilled in participating in local capital projects is essential. With many projects, the role of the artist has been to create

a meaningful consultation with the community, discovering its values and aspirations in order to get a sense of its mind-set, and to generate artworks that challenge and delight as a way to hold up a mirror to the community. These works not only stretch the capacities of the artists, but challenge the community to transcend its image of itself. What's more, they leave a legacy enhancing the city, developing cultural icons and representing community expression

PLANNING METHODOLOGY

The planning processes undertaken by Jerry Allen and Associates in developing the San Diego Public Art Master Plan employed the following approaches:

1. The consultant team, Jerry Allen and Elena Brokaw, reviewed and studied literature provided by the city, including local and regional plans, capital improvement budgets, state and local reports, marketing literature, census data, granting information and other materials.
2. Jerry Allen presented three slide shows to the general public and to staff at the City of San Diego. These slide shows were: A History of Public Art, Public Art in California and Public Art: The Year in Review.
3. The City of San Diego Commission for Arts and Culture appointed a 30-member Steering Committee to provide initial direction to the consultant team and to provide feedback on findings and recommendations throughout the process.
4. Key person interviews were conducted with over 100 leaders from the arts, government, business and community associations. In these meetings, facts and opinions were solicited on San Diego's public art program and its policies and projects, in order to develop a comprehensive picture of the program.
5. Focus groups were held and facilitated by the consultants, in which individuals sharing a common interest and expertise were convened to review the major issues.

6. Public Artist Jack Mackie conducted a series of three workshops and *charettes* for local artists, design professionals and project managers.
7. The plan was reviewed and modified through an extensive series of meetings and presentations with key stakeholders, including the Commission for Arts and Culture, the Steering Committee, City officials and others.

PLANNING CONTEXT

The City of San Diego initiated its public art program in 1984, when it established a Public Art Advisory Board. It created a Fund for Public Art in 1985, when it adopted ordinance 0-86-77, codified in San Diego Municipal Code 26.0701 – 26.0707. The Fund for Public Art was financed by one percent (1%) of the City's Capital Outlay Fund.

The Public Art Advisory Board was disbanded in 1988, when the City of San Diego's Commission for Arts and Culture was created. The Commission subsequently formed an Art in Public Places Committee. (Since renamed the Public Art Committee, it still actively oversees the current program.)

In the early 1990s, the City ceased the flow of 1% of the Capital Outlay Fund into the Public Art Fund. From this point, funding for public art was mainly determined by capital project department heads and project managers, and administrative costs were derived from a variety of sources. Although the hope has always been that the Public Art Fund would be financed through a percentage of the capital improvement budget, that method has never been approved by Council.

As a response, the City developed a Public Art Master Plan, conducting a pilot program to involve communities and artists in the development and creation of site specific artwork. After the establishment of the Master Plan in 1992, the City Council adopted Policy 900-11 establishing artist involvement in capital projects¹ (although without any specific funding set aside). Policy 900-11 is a companion to ordinance 0-86-77.

In 2000, Commission staff began an assessment process, including a series of Roundtable Forums on Public Art. The assessment resulted in a series of

¹ Public Art in Capital Improvement Projects: A Commitment to Outstanding Urban Environments (City of San Diego. December 20 2001). 3.

suggestions on how to address many of the program's issues. (Just over a year later, many of those suggestions have been implemented: the Commission has created an "as-needed artists list;" it has discontinued the ineffective Regional Artists' Directory; and staff has completed training in Capital Improvement Program (CIP) project management.) The assessment included a Public Art Program Report, completed by an independent consultant. The Report discussed potential funding scenarios for the City's public art program.

This Master Plan goes the extra step, representing the efforts of the San Diego Commission for Arts and Culture to involve diverse segments of the City's population in a community-wide analysis of the public art program, as well as recommendations for its future development. The Master Plan is the result of many community meetings and *charettes* and has been through an extensive public review process.

SECTION TWO:

**PUBLIC ART FRAMEWORK AND
RECOMMENDATIONS**

The interviews, focus groups and public presentations facilitated by the consultants revealed core issue areas affecting San Diego's public art program. This plan addresses those issue areas, proffering objectives and recommendations that represent and address the overarching attitudes and desires of the San Diego community for its Public Art Program.

The many meetings and focus groups comprised of various constituencies in San Diego reveal that, ideally, the Public Art Program should provide a means to install public artworks in communities throughout San Diego, representing the highest quality of artistic excellence and accessibility to all sectors of the population.

SECTION ONE

CELEBRATING SAN DIEGO: COMMUNITY IDENTITY

Vision: Use public art as a tool to increase pride in the entire city of San Diego and individual neighborhoods

San Diego is a beautiful, temperate, safe city, with many of the cultural amenities one would expect from a city of its size. It has received continuous recognition for its quality of life: in May 2002, *Forbes Magazine* named it the “Best Place in America for Business and Careers.” It was named one of “America’s Top 25 Arts Destinations” in *AmericanStyle Magazine*, and in June of 2002, Richard Florida (author of Rise of the Creative Class) cited it as one of America’s Top 10 “Most Creative Cities” at Carnegie Mellon University.

San Diego is a city made up of 112 distinct neighborhoods, each with its own personality, flavor, resident base and pride. Most residents consider their neighborhoods – rather than the City as a whole – as their home bases. The City is growing rapidly – 1 million new people are expected to join the population by 2020 – and the neighborhoods will of necessity evolve as those new residents join their communities.

A basic tenet of the recommendations for the future of the public art program is that the neighborhoods’ uniqueness should be celebrated and strengthened through the public art program. Hopefully, public art will be one of the tools (specifically in concert with greater outreach and communication) the city uses to demonstrate to its residents how the inevitable change and growth that must occur can bring some major benefits, including more transit options, arts and culture and increased services.

Neighborhood Identity

Objective: Demonstrate communities' uniqueness and foster social connection through the public art program

The 1997 *Imagine a Great City* conference envisioned ways in which public art could affect the community. At its best, it can: “associate with community; reflect the world and all its people; be unique to a place; encompass all communities; teach children about who they are; relate to the region and draw on local resources...; contribute to the artistic legacy of the city; be site specific and integrated; be the best to be found.”² The conference’s list of obstacles to public art in San Diego is shorter, but to the point: “not enough funding; lack of interest; lack of consensus...; not taught well at schools.”³

According to planning participants, some communities in San Diego are already committed to arts and culture, understanding its beneficial results. Others have

“It seems to us that a good place to live ought to offer more than just high salaries and a low crime rate. That’s why we set out to find towns that are making a special effort to foster connectedness and contentment among all the people who live in them.”

– Jay Walljasper
“America’s Ten Most Enlightened Cities”
Utne Reader May/June 1997

not experienced the benefits of public art.

This divergence of attitudes makes sense in a city of what one planning participant called “a confederation of semi-autonomous communities.” (While there are 43 recognized planning groups, with members elected by local neighborhoods and recognized by the

City Council, and a citywide Community Planners Committee made up of the planning groups’ Chairs, planning participants reported that there is relatively little inter-community cooperation.)

Each community has a unique personality. For that reason, it is important to ensure that the public art program has distinctive approaches in each community, so that no segment of the population feels excluded. The Commission for Arts and Culture has initiated neighborhood public art programs. In the past ten years,

² *Imagine a Great City*. 21.

³ *Imagine a Great City*. 21.

the Commission has placed 18 projects in neighborhoods – ten through the first Public Art Master Plan Program, six through the Public Art in Neighborhoods Program and two through the Public Art Sites (PAS) program.

One successful PAS project is *Recipe for Friendship*, created by Nina Karavasiles. Installed in 2001, the piece is located in the concrete Amici Park in Little Italy, an area which had previously gone virtually unused and ignored except by graffiti artists and skateboarders. Consisting of small-scale sculptures of tables with red and white checked tile mosaic “tablecloths” and bronze plates of food, as well as sidewalk plaques, the piece serves to enliven the concrete space and attract visitors. The artwork also generated interaction by inviting viewers to make rubbings of recipes etched on the bronze.

The neighborhood immediately embraced its revitalized park. The local business improvement association displayed a renewed sense of ownership for the park by planting more trees and flowers inside the park, and expressing an appreciation for the various resident ethnic communities. The piece was part of a revitalization effort that has spurred greater economic development in the neighborhood.

This is one example of how public art can promote a sense of community. This is important now perhaps more than ever, as recent studies have shown a growing and apparently endemic sense of societal separation and alienation. “Concern with the loss of community connectedness is well-founded, especially in light of a 2001 study by the John F. Kennedy School of Government at Harvard University. Conducted in association with three dozen community foundations, including the San Diego Foundation, the survey of nearly 30,000 people across America looked at how connected we are to family, friends, neighbors and civic institutions. Among the revealing conclusions, the survey found that *social*

connectedness is a much stronger predictor of perceived quality of life than income or educational level. [Our emphasis]”⁴

Chicano Park

Chicano Park located in Barrio Logan houses the largest collection of Chicano murals in the world. It features the results of the Monumental Public Mural Program conceived by local artist Salvador Torres in 1969. Since 1973, local artists and artists from other southwest cities have created a remarkable collection of murals on the massive concrete pillars supporting the overhead roadways. The park now contains over forty murals, which mostly celebrate Chicano themes such as farm workers, bilingual education, immigration, police brutality and role models in history. There is an intense sense of pride, support and loyalty to Chicano Park artists, community activists, park supporters, scholars, and the neighborhood of Barrio Logan.

Thoughtful public art can be a powerful tool for creating community identity and reinforcing community pride. In Rosslyn, Virginia, artist Nancy Holt created a sculpture in a large traffic island at one of the entrances to the city. By integrating a visual reference to the date and time of the founding of the city, the public art spawned a Founding Day celebration for Rosslyn.

The above project was both a gateway and a community gathering place. A gateway, or community identity, program is one strategy often used in public art programs to both celebrate and visually demarcate neighborhoods. In 1985, the City’s Public Arts Advisory Board created a *Citygates* sculpture program, consisting of seven “freeway-related art installations.”⁵ The program was designed to celebrate “arrival and passage in the form of artist-created reference

⁴ Stephen Silverman, “To Relieve its Growing Pains, San Diego is Looking Within,” San Diego Home/Garden Lifestyle January 2002. 91.

⁵ “The PAAB Citygates Sculpture Program.” August 15 1985.

points,” and create a visual language and uniqueness for the so-called “bland monotony”⁶ of San Diego’s urban landscape.

While the *South Gate* by Robin Brailsford and Roberto Salas was completed as part of the *Citygates* project, the Commission for Arts and Culture does not currently fund a neighborhood identity program. The community has voiced a desire for these types of programs. The Business Improvement Associations in San Diego have funded the creation of gateway signage in some neighborhoods. A public art neighborhood identity program should be re-visited, with a preliminary focus on incorporating signage throughout the community, highlighting points of interests and providing directional assistance for tourists.

Recommendation 1.1: The public art program should reinforce the place-making goals of the City’s development efforts, by commissioning artworks that are visually distinctive and become associated with the identity of the City and individual neighborhoods.

Recommendation 1.2: The Commission for Arts and Culture should strive to identify opportunities for public art in neighborhoods throughout San Diego

Recommendation 1.3: The Commission for Arts and Culture should establish neighborhood identity programs as a component of the Public Art Program.

Downtown

Objective: Create public art works that fulfill the Downtown goals for community development

San Diego’s 1,500-acre Downtown is a lively and increasingly popular place. Sixty new residential complexes, with over 8,000 units total, are either under construction or in the late planning stages as of the writing of this report. Some

⁶ “The PAAB Citygates Sculpture Program.”

have already sold out to maximum occupancy. Amenities like the New Main Library and the ballpark are being located downtown. Recently, the Convention Center completed a \$216 million expansion. 4,066 businesses are located downtown; 317 restaurants and bars serve tourists, college kids and locals; 572 retail establishments sell wares; and there are 70 hotels, with more being planned.

The area has a rich history. There are eight separate neighborhoods, including the Gaslamp Quarter, a 16-1/2 block area smack in the middle of Downtown. The Gaslamp Quarter was the City's original red light district, named a national historic district in 1982. A few blocks away is Little Italy, so named for the many Italians who lived and worked in the neighborhood when it was the center of the tuna fishing industry.

The Centre City 1992 Community Plan envisaged Downtown "becoming the dominant center of the region ([in] arts and culture, finance, banking, law)."⁷ The Centre City Arts Plan, adopted in 1998, articulates why arts and culture is held in such high regard: "The arts have a positive impact not only on a community's quality of life, but also on the entire social and business fabric. The arts attract business investment, reverse urban decay, revitalize struggling neighborhoods, and draw tourists."⁸

Centre City is in the process of completing a Downtown Community Plan Update which recognizes the beneficial impact of the arts and culture, and its contribution to the community's economic and cultural advancement. The Update acknowledges that "the climate for arts is becoming increasingly difficult as [downtown] redevelopment moves forward."⁹ In recognition of the financial climate for private development now, collaborative efforts to encourage public art

⁷ Downtown San Diego Community Plan Update Process Summary (Centre City Development Corporation, November 2001). 2.

⁸ Centre City Arts Plan (Centre City Development Corporation, July 1998.) 6.

⁹ Centre City Downtown Community Plan Update. 5-1.

and create opportunities for local artists should be established between the Commission for Arts and Culture and Downtown agencies.

The Downtown San Diego Partnership Strategic Plan states that it will “actively promote public and private investment in the arts” and “advocate for public art projects.”¹⁰ The Plan calls for the encouragement of “continued consolidation of public and governmental facilities in downtown.”¹¹ The development of new facilities would provide an excellent opportunity for public art or public places, as a component of each development.

Downtown is the initiating point of many new programs. “In the City of Villages’ hierarchy, first comes the regional center, which means downtown San Diego.... Downtown is prime for becoming the largest and most spectacular village in the entire city.”¹² This hierarchy was echoed by some Public Art Master Plan participants, who suggested that the concentration of public art should be initiated downtown, then spread to other neighborhoods.

The Centre City Arts Plan’s second key goal area is “gateways,” with an objective to “create public art such as sculpture, murals, unique landscaping, or other landmark features at entrances into Centre City and within specific districts” and to “involve community groups and neighborhood residents in decisions about the site and the artwork.”¹³ The Plan discusses a consultation with the Commission for Arts and Culture as one action step to achieve these objectives.

The Public Art policy stipulating that a percentage of allowable costs for new construction projects and significant renovation and/or expansion of capital projects should be extended to apply to all CCDC capital projects. It should be

¹⁰ Strategic Plan (Downtown San Diego Partnership, Winter 2000). 13.

¹¹ Strategic Plan. 7.

¹² Silverman. 94.

¹³ Centre City Arts Plan. 12.

applied and administered according to the guidelines for private development percentage requirements as outlined in Section Six of this plan.

Recommendation 1.4: The Commission for Arts and Culture should partner with artists, galleries, museums, arts professionals, architects and urban planners, universities, community members, businesses and a variety of planning agencies (Centre City Development Corporation [CCDC], Port of San Diego, Downtown Partnership, etc.) to establish public art priorities and create landmark artworks in the city.

Recommendation 1.5: The City should require a percentage of all redevelopment agency-sponsored projects be allocated for public art, with a provision for a lesser, in-lieu amount.

City of Villages

Objective: Support the design goals of the City of Villages initiative

What does “village” mean to most Americans today? Local writer Stephen Silverman made a salient point when he pointed out that “Agatha Christie mythologized villages. They were places where people could walk or bike anywhere. Housing, work and shopping were all close to one another. Neighbors knew each other, and there were formal and informal places where people could gather and gossip and hold public events.”¹⁴

In the new City of Villages plan, developed by the Strategic Framework Citizen Committee and announced in January 2001 by Mayor Dick Murphy, “the term village is used to describe a community-oriented center where residential, commercial, employment and civic/education uses are integrated. Villages are

¹⁴ Silverman. 28.

intended to be unique to the community, pedestrian-friendly and have elements to promote neighborhood or civic gatherings.”¹⁵

The Plan will attempt to solve some of the looming problems in San Diego – population increase, transportation logjams, overload infrastructure – by creating small communities, or villages, within the city. The concept is forward thinking, much needed and challenging: how can the feel of a small town “village” be achieved, when over 1 million¹⁶ new residents are expected to be added to the already sizeable population within the next 20 years?

Silverman pointed out in his article on the City of Villages that residents fear that their neighborhoods will be asked to take on the burden of higher density, without infrastructure or amenities to adequately compensate the increased population. The creation of one or more thoughtful model villages may assuage that fear; the city is aware it has to provide adequate infrastructure in order to ensure the success of the village strategy.

The future of the City of Villages program is unsure. However, its goals are a creative way to address the inevitable increase in population, and acknowledge that land use patterns have to be modified as the population continues to grow. Some also feel that the City of Villages will actually reduce the overwhelming infrastructure repairs and improvements that the City currently needs, by concentrating amenities.

There are many ways in which the City of Villages plan, if adopted, will benefit from public art. The goals of the two programs are somewhat allied. “The proposed City of Villages strategy would result in more things to walk to since retail commercial, employment centers and public gathering places would be located in attractive mixed-use village centers which are either close enough to

¹⁵ City of Villages Action Plan (City of San Diego, January 2002). I.

¹⁶ SANDAG’s draft preliminary 2030 forecast for the year 2020.

access by walking or biking or are easily reached by transit.”¹⁷ The strategic placement of public art can help realize these goals.

“[Mayor] Murphy agrees that the City of Villages plan depends on neighborhoods embracing this strategy for accommodating growth. ‘Any village project is going to have to be a partnership between the city, the community and the private sector,’ he said. ‘I do not support shoving a City of Villages project down a community’s throat.’”¹⁸ Using public art as a means of illustrating how a village can be a welcome addition to a community may be one effective tool in persuading the public that the City of Villages is a viable plan for the future.

Recommendation 1.6: The City should incorporate public art into City of Villages strategies, plans and frameworks.

Ethnic Representation and Diversity

Objective: Create artworks that reflect San Diego’s cultural diversity and work with artists of diverse cultures

San Diego’s proximity to the Mexican border makes it a truly bilingual and bi-national city. Of the entire city population of 1,223,400 in 2000, 25.4% identified themselves as Latinos. 21.9% of the total population (five years and older) speaks Spanish. In addition, 21.5% of San Diego’s population is foreign-born, with 32% of that group Asian-born (Africa and Europe are also highly represented).¹⁹

The City and specifically, the Commission for Arts and Culture, has made a long-term and concerted effort to involve all aspects of the community in their

¹⁷ Draft Environmental Impact Report (City of San Diego Development Services Department, January 11 2002). I-3.

¹⁸ Lori Weisberg and Susan Gembrowski, “Planners say it takes villages to grow a city,” San Diego Union-Tribune January 6 2002.

¹⁹ 2002 Census Profiles. City of San Diego.

programs. In 1994, the Commission worked with a consultant to develop *Diversity Brings Us All Together: A Plan for Cultural Equity and Diversity*. The plan recommended that the Commission make long-term outreach efforts to all aspects of its constituency through its programs, including the contracts for arts and culture services. The Commission has implemented the plan's recommendations, achieving many of its diversity goals. The city has also striven to reflect its diverse population in developments incorporating public art – the Centre City Development Corporation developed the Martin Luther King, Jr. Promenade, including a public art component by Peter Walker and Martha Schwartz.

The Commission has since articulated a new vision for diversity in the greater San Diego community: "Diversity refers to differences in race, gender, ethnicity, age, socio-economic class, religion, sexual orientation, skills and abilities and politics among other qualities. It can be described in a multitude of ways; some less visible than others, so this by no means excludes a particular category. 'Cultural Diversity' can be described as the values, practices, patterns and customs of a group of people or society."²⁰

It is vital to remember that the community of San Diego encompasses a larger area than just the city as defined by its limits. Many define the "community" as reaching south across the border, including Baja California, Mexico. This Mexican influence has pervaded the arts scene. For example, there is a strong mural tradition; murals are a critically recognized Mexican art form that is very strong in Tijuana, Mexico, and in San Diego. This important art form and tradition should be one of many media reinforced through the public art program.

There are ongoing efforts to expand collaboration with the Mexican/Tijuana community, particularly with the artists. A San Diego visual art program, *inSITE*, commissions work for installation on both sides of the border. A local

²⁰ Jennifer M. Rutledge, *Building Board Diversity* (National Center for Nonprofit Boards, 1994) 7.

architectural school is initiating a bi-cultural/bi-national project with architectural schools, specifically exploring ways to develop ties across the border.

Recommendation 1.7: Continue to involve people who reflect San Diego's diverse population on artist selection panels and on the Commission and Public Art Committee.

Recommendation 1.8: Emphasize the artistic and visual relationship between San Diego and Tijuana in some public art projects.

SECTION TWO

CREATING A COMMUNITY OF SUPPORT

Vision: Establish public art as a priority in all San Diego community initiatives

In the 20-plus years since the initial establishment of its public art program, the city of San Diego has striven to create as many projects as possible. The city's efforts have been complemented by private investment in public art. The result is a great many projects in the city. A recently published book, *Creating the World's Best Public Art*, highlighted San Diego as one of eight American cities with significant and notable public artworks.

The plentiful projects in existence have helped the region recognize the power of public art to transform the community and enrich it in ways that touch all constituencies. They also provide a significant base on which to build the future of the City's public art program.

The City deserves credit for its public art implementation thus far. Many City departments champion public art, and references to public art are woven through the City's planning documents, from neighborhood specific plans to regional outlook documents.

What the public art program is missing is a cohesive, comprehensive vision and a set of policies to guide its progress and ensure that it meets the City's many and varied goals. The first step in accomplishing this is to identify leadership to champion the program, then invite and involve the entire community to participate. These steps must be supported by able and qualified staff in sufficient numbers to achieve the public art program's goals, as articulated by city leaders and community members.

Outreach

Objective: Expand outreach and involvement opportunities in public art for all communities in San Diego

A public art program depends on the input of the public for its success. Many interviews with planning participants centered on the fact that the community does not generally participate in public processes. From all accounts, it is difficult to persuade the general citizenry to be involved in either a decision-making or feedback role, until a decision has been made. Then, “last minute critics” appear and vocalize their concerns. Even when specific outreach meetings are held, the targeted community doesn’t attend. In the public art realm, the result has been lack of consensus, despite project managers’ best efforts to involve the community from the initiation of the project.

Engaging the public, but not being held back by its involvement, is a difficult line to walk, and is just one of the many complex aspects of a public art program. While eliciting feedback and opinions from the community is crucial, a public art program that depends on the public’s approbation will never achieve its goals. This fine line is successfully walked by artists throughout the country, through intensive direct communication.

In order to achieve greater community participation, consideration should be given to other methods of involving and communicating with community members. As administrators’ best efforts to present public art plans to specific communities do not result in a broadly representative turnout, feedback should be solicited in additional venues: as components of other groups’ meetings, for example, or on cable television. The Internet has proven an extremely effective mode of communication, with the benefit of being a vehicle that allows for the delivery and receipt of information and comment.

There is a need for a stepped-up community outreach program to the public, to both teach about and gather input on the public art program – what it can and should do, how it will impact the community and how they can get involved. The

outreach effort should include significant education and marketing. In the 2001 Public Art Roundtable Forums, the discussion revealed that participants felt that “the Commission’s role is to go out into the community and gain public input [about public art projects] ahead of time.”²¹

In San Jose, California, the Public Art Program mandates that each public project is the subject of at least three community meetings. At the first, the selected artist meets interested members of the community and gathers input. At the second meeting, the artist presents preliminary ideas and gathers community feedback. At the third and, usually, final meeting, the artist presents the final design, not for community approval, but in order to inform and maintain communication. These meetings help keep the community’s worst fears from being realized – a piece of art suddenly appearing in their community, with no regard for what the community is all about.

Recommendation 2.1: The Commission and Public Art Committee should emphasize a comprehensive program of community education and outreach on public art, directed to the general public and to the numerous special constituencies affected by the program. These include artists and design professionals, schools, neighborhoods and diverse communities, corporate and private development interests and public sector officials.

Recommendation 2.2: Commission staff should ensure that adequate (no fewer than three) public meetings are held in conjunction with each public art project it initiates.

Accessibility

Objective: Increase awareness of public art and create works that educate and inform the public

²¹ A Report on the Public Art 2001 Roundtable Forums (City of San Diego Commission for Arts and Culture, May 21 2001.) 6.

The issue of accessibility encompasses two separate connotations: 1) artworks' ability to engage the public and 2) the physical ability of the general public to view public artworks.

Often, a community's nervousness about public art may stem from a fear that works may be controversial, challenging, inappropriate or even distasteful; in other words, inaccessible to the public and its sensibilities. Further, residents may fear that they will have to live with the artwork forever. While the community outreach efforts as described in the preceding section should greatly alleviate these concerns, another means of introducing the public in a "safe" way to public art is through temporary works.

Temporary or ephemeral works – some lasting only a few hours or days – can both assuage the public's fears and engage them in a dialogue that increases understanding of public art. Temporary installations can introduce complex and challenging works without demanding a long-term commitment.

In regard to physical accessibility of San Diego's existing public art collection, it was noted by several planning participants, as well as by the professional collections management curator hired by the Commission for Arts and Culture, that some of the best public artworks are relatively hidden from public access. Water treatment plants and bio-solid processing facilities are two such examples; the divisions governing these facilities have commissioned award-winning artworks that are not open to the public. Many fine projects are also sited in desolate areas that don't promote visitors, due to personal safety concerns.

There are also plenty of public artworks on view throughout the City that the general population does not know about. Many of the libraries house extensive components of the municipal art collection of which even they may not be aware. This is a marketing issue, as well as one of accessibility.

A dedication and celebration of the work after its completion and installation can abet efforts in both areas of accessibility. Dedications and press activities create buy-in from the public, and keep the community informed about what public art projects currently exist. Currently, no system for organizing dedications exists. Various departments organize and fund dedications, sometimes as a joint venture. The Commission has no press packets for public art pieces, nor does it have a marketing system.

Generally, the Commission does not fund any reception expenses for dedications, nor are interpretive plaques budgeted. The art budget pays for all plaques. Funding for dedication events and plaques are appropriate public art expenditures and should come out of the administrative set-aside in the Public Art Fund.

Recommendation 2.3: For each new public artwork, a specific marketing plan should be formulated to introduce and educate the public to the project.

Education

Objective: Educate and involve the public about the creation, mission and benefits of public art

Education starts in the classroom. Some communities have used public art as a strategy for expanding school arts programs. In Miami, Florida, the city developed a public art curriculum for elementary schools, in which students learn about public art and then tour local works.

Some programs bring artists into the classroom in San Diego. One notable program is Artists Onsite, a program devoted to expanding public awareness of and interaction with artists. Their inSITE2000 program will be offered to approximately 4,000 students from San Diego and Tijuana schools, and will bring

artists into residencies in local schools. In San Diego, inSITE will collaborate on this program with Community/Teachers/Artists (CoTA), an experimental program for teacher development at Mary Chase Walker Elementary School.

Outside of the classroom or school outreach programs, public art can be used to educate the general community. The City's Engineering and Capital Projects Department/Water and Wastewater Facilities Division has a long history of incorporating public art into its water utilities, such as pump stations, treatment plants and reservoirs around the city, many of which are extremely effective and positive projects; they are educational, aesthetically pleasing and interesting works. (Two of the City's public art projects were chosen for inclusion in the Metropolitan Water District of Southern California's publication *Liquid Art: A Celebration of Water in Public Spaces*, a catalogue of 20 works from the Southland showing "imaginative uses and rendering of water."²²)

Public art is a powerful tool that should be utilized more often in educational programs. It reaches not only schoolchildren, but the population as a whole. A good example of this is the Water Department's calendar. For three years, the Water Department has produced a calendar focusing on water conservation, drawn by schoolchildren in third, fourth and fifth grades. This has been a positive and proactive experience for everyone involved, resulting in a de facto temporary art piece – the calendar itself. These programs should be expanded further.

Recommendation 2.4: The Commission should create a temporary works program, including an educational component, designed to introduce all sectors of the broad San Diego community to public art.

Marketing

Objective: Increase public's awareness of and support for public art

²² "Liquid Art: A Celebration of Water in Public Spaces," Metropolitan Water District of Southern California.

The idea of a mass media marketing campaign to extol the virtues of public art is tempting and would probably meet with great success. The obstacle to initiating a mass marketing campaign is, quite simply, cost.

The Commission has initiated some marketing strategies for its public art program and collection. In 1998, the Commission for Arts and Culture published and printed 35,000 copies of the four-color brochure *The Artist and the Urban Environment*. All copies of the brochure were distributed locally and nationally. In 2001, a new, unrelated brochure was printed: *The Agency Report*. 4,500 copies were printed and disseminated. While these publications did not market the program, *per se*, they effectively informed the public about the Commission's programs.

The key to practically marketing San Diego's public art program is to first engender a grassroots publicity campaign, relying on *pro bono* or sponsoring media support. The focus should first be on the immediate constituency; for instance, the media focus group recommended posting photos of local public art in city hall.

The marketing program should not only focus on the actual works of public art, but also on the process by which they come to be, thus serving to assuage many residents' doubts and feelings of alienation about the process. Tapping into existing award programs (such as the regional Onions and Orchids program) to acknowledge successful projects will also help bring the positive attributes of public art to the forefront.

Recommendation 2.5: A marketing program for the Public Art Program should be developed, including an expanded website, maps to the individual artworks, and a database of the City's public art collection.

The reader should be aware that extensive community participation, which many feel is crucial to the success of any public art program, is highly staff-intensive. This will be discussed at further length in the section on Process and Administration. It is important to remember, however, throughout the document that a public art program, while it may seem simple, is actually extremely time and staff intensive.

SECTION THREE

SUPPORTING ARTISTS

Vision: Create a community of resident public artists who are qualified to conduct projects locally and nationally

San Diego is home to many artists. The Commission for Arts and Culture's database lists 437 registered visual artists living in the city and a total of 676 in the County. Many of the artists are nationally and internationally known, particularly in the public art field. For San Diego to become recognized as a cultural tourist destination with a thriving arts community, it is critical that local artists be nurtured, utilized and employed whenever possible.

Opportunities

Objective: Create opportunities for local and regional artists to develop public artworks in a variety of media and sites

There is, among some local artists, a perception that the public art program suffers from too much bureaucracy and too little funding. Some artists stated that the community is not generally aware of public art. Artists expressed great interest in strengthening the public art program to address these concerns and provide more opportunities.

Many artists advocated for more temporary works. Such works would allow them to experiment with challenging themes or ephemeral media, and may serve to educate and engage the public. They also feel that the Commission for Arts and Culture should create a gallery for emerging local artists, perhaps moveable exhibits in City Hall, or in empty storefronts throughout the City.

It is also very important to everyone involved in the public art program that it represent the work of many artists, not just a few. For the 72 projects the City has

completed since 1988, 124 artists have been commissioned, approximately 111 of whom live in San Diego county. Twenty two of those 111 local artists have been commissioned more than once to work on a City-funded public art project, sometimes as a member of a team. Some have worked as often as eight times or more.

While it is beneficial to give artists the chance to work on more than one public art project, as the first such project always presents such a steep learning curve, it is the City's goal to have a public art collection that is representative of a wide diversity of artists. By focusing on involving more artists, there is also the hope that more artists will be encouraged and trained to work in public art. There is also a great deal of political support for specific opportunities for artists of color.

Recommendation 3.1: **The Commission for Arts and Culture should establish policies that produce a balance of high profile projects by local, regional, national and international artists, focusing on quality.**

Recommendation 3.2: **The Commission for Arts and Culture should develop policies that include, but not be limited to, balancing the rights of the City and the rights of artists in an equitable manner , the assurance of artists' freedom of expression, and advocacy of issues related to artists.**

Education and Training

Objective: Provide public art training for local artists

As mentioned above, the process of working on a public art project is a learning one. This goes for everyone: the engineer, architect, artist, project manager, contractor, the community – the list goes on and on. The first experience with public art defies basic logic by bringing together processes that are of necessity infinitely precise (architecture, engineering and construction) with a pursuit that thrives on flexibility, creativity and inspiration (art).

However, it can work beautifully, and the process has created some of our nation's most beautiful buildings and public places. Public art, like everything else, simply needs to be learned. The Commission for Arts and Culture has focused on training project managers and City personnel on the specific needs for each public art project. The Commission's staff is also available to work with other city departments to administer all public art projects. However, there has not been extensive training as of yet for local artists working in, or thinking of entering, the field.

In the 2001 Public Art Roundtable Forums, hosted by the Commission for Arts and Culture, the artists said that they saw themselves, generally, as "facilitators for the community and for change, creators – those who create meaningful environments, educators, advocates for artistic integrity, collaborators, community beautifiers and resource people for teams."²³

The forums also concluded that the role of the Commission was, amongst others, to "bring ideas to reality by supporting the artist's vision and helping with the entire process. The Commission is a supporter, advocate and translator."²⁴

As part of this Public Art Master Plan, the consultants offered a series of public art *charettes* for local artists, consisting of three workshops to identify public art opportunities in San Diego and develop projects. Attendees and participants represented various backgrounds, including artists, architects, landscape architects, urban designers, planners, educators, arts activists and neighborhood representatives.

The first workshop was used primarily to raise awareness of current national trends in public art with a focus on community development and infrastructure

²³ A Report on the Public Art 2001 Roundtable Forums. 4.

²⁴ A Report on the Public Art 2001 Roundtable Forums. 6.

opportunities. The San Diego Capital Improvement Program was investigated as a source for artist participation in the growth of the city. At the end of these exercises, the participants formed into teams that would develop a San Diego public art inventory of opportunities. In the following two workshops, the teams presented their efforts first in a concept/schematic approach, then as completed designs. The designs were presented in the City Administration Building on two occasions and at the San Diego Museum of Art. They will also be presented at the annual American Institute of Architects National Convention and Design Exposition in San Diego in June 2003.

The workshops are best characterized as an open and engaging sharing of the teams' ideas; critical analysis of how and why artists become active citizens; what effects the projects would have on neighborhoods in giving focus and identification to them; and consideration of steps the workshop participants could undertake to further the City's public arts efforts.

The *charettes* were, for many artists, their first training on public art. They should be supplemented with ongoing training and technical assistance. Public art artists specifically need assistance with legal, financial and insurance matters as well as with engineering, computers, AutoCad, etc.

Recommendation 3.3: **The Commission for Arts and Culture should hire experienced public artists or public art administrators to develop and provide an ongoing series of seminars and workshops to educate local and regional artists who would like to enter the public art field.**

Recommendation 3.4 **The Commission for Arts and Culture should engage artists experienced in public art and public art administrators to train project managers, engineers, architects, contractors and other design professionals in strategies to work effectively with artists in the creative process.**

- Recommendation 3.5** **The Commission for Arts and Culture should adopt the philosophy that, to the extent practicable, artists shall be equal members of the design team in all capital improvement projects, contracted at the conceptual design phase.**
- Recommendation 3.6** **All artist contracts should be executed between the artist and the Commission for Arts and Culture, rather than between the artist and the project contractor.**
- Recommendation 3.7** **Performance bonds, being prohibitively expensive for artists, should not be required.**

SECTION FOUR

ENHANCING THE URBAN ENVIRONMENT

Vision: Use public art to complement the City's design and urban development goals, and inculcate a demand for quality design by the residents of San Diego

The urban environment is not just the appearance, or shell, of a city. As Bob McNulty, President of the national organization Partners for Livable Communities, stated: "Your community's cultural badge is worn outside in the external appearance of your community."²⁵ The aesthetic visage of the community reflects the internal values and strengths of the community, and its neighborhood and civic identity.

Public art is very much about the built and natural environment of the region. Ideally, it enhances the positive and mitigates the negative effects of unattractive buildings, empty public places and unadorned shopping malls.

However, a caution is in order as we enter this section of the report. While the Public Art Master Plan addresses the issues of urban design in the city of San Diego, it is beyond the scope of the plan to do anything other than suggest standards and encourage change. Communities tend to feel that the incorporation of public art into an otherwise bland or, even worse, offensive building or place will alleviate bad design. This is not the case. Public art can temper the impact of a poorly designed project, but it cannot turn an ugly plaza into a beautiful one, nor can it move a badly placed structure into an appropriate setting.

"Look at the physical setting as a cultural resource. When I enter a community, I don't care how nice your performing arts are if I have to pass through a strip of billboards, signs, sprawl, and ugly development which devalues your cultural profile."

– Bob McNulty, from *Culture Can Build Community!*

²⁵ Robert McNulty, *Culture Can Build Community!* (Partners for Livable Communities, 1995).

Design and Architecture

Objective: Encourage the development of an aesthetically pleasing built environment

San Diego is going through an intense period of growth, and by all accounts, that growth is not slowing. Currently, only 10 percent of its 331 square miles is vacant, or buildable. More housing must be built, and it will be built in high-density units.

In any community, innovative new buildings beget more interesting and aesthetically pleasing architectural projects. One might say, too, that good architecture begets more and better public art. Joyce Cutler Shaw, a local artist, was hired early in the planning phase for the new Mission Valley Library, and the result has been a creatively incorporated artwork. Most of the libraries completed in the last five years include a public art component, as will the libraries that are slated to be built in the next five years.

However, there are understandable economic pressures that encourage the development of less than desirable buildings. Aside from the obvious desire to keep costs down, there is a great deal of pressure to provide for the growing demand for housing and office space in the community, and in-fill restrictions sometimes necessitate such development. To that end, maximum density office buildings and housing complexes are being planned.

Open space and public spaces are also quickly being developed, and are at a premium. As cities intensify development, there is a growing recognition that public space is becoming part of everybody's "private" space. Public space is a key attribute. As one planning participant put it, "It's not just the buildings that are great. It's also the space *between* the buildings that make a great city." The quality of our communities' public places – attractiveness, safety, cleanliness, greenery, amenities, etc. – becomes more crucial for all of us.

Public art can help make in-fill developments more livable. Many of the most successful projects exist as part of what one participant called “a holistic approach to the entire community.” In other words, the public art makes a community center, public park or urban renewal project more attractive to the public. It may not even be recognized as public art: as one participant put it, “the most successful public art is the type people *almost* don’t notice.” Public art should fit intellectually, as well as physically, within the context of its placement.

In the Downtown update, place-making has been a strong theme. The Centre City Arts Plan states that in using culture to help achieve Downtown San Diego’s goals, “great importance is placed on support of art in public places and patterns of social life where the public can participate and enjoy the arts.”²⁶ The Plan’s first goal is “Public Art in Redevelopment Projects,” with an objective to “enhance the aesthetic environment throughout Centre City by including a wide variety of art forms: temporary and permanent visual art, performance and cultural events.”²⁷

The City of Villages Plan addresses “Urban Form and the Environment” and states that “proposed neighborhood and urban centers will include public gathering places, walkable tree-lined streets, affordable housing, opportunities for art and culture, and quality education facilities.”²⁸ The Plan proposes to “prepare urban design guidelines” to address design issues relating to the goals above.²⁹

The Port District made public art a priority tool in implementing its South Embarcadero Design and Signage Guidelines: “Public Art is a vital design component in creating unique public places that provide physical, social, cultural,

²⁶ Centre City Arts Plan. 9.

²⁷ Centre City Arts Plan. 10.

²⁸ Draft Environmental Impact Report. III-6.

²⁹ Draft Environmental Impact Report. III-9.

and economic benefits for the community. It offers alternative methods of design problem-solving in implementing the Urban Design Framework.”³⁰

The establishment of a citywide design review board would have a catalytic impact on good architecture and design throughout the community. None exists now, although some City departments, such as Parks and Recreation, have design review boards. Cities like Seattle have long used its Design Commission to elevate the standards of architecture and urban design. In the case of Seattle, there is actually a seat on the Commission reserved for a public artist.

As in all communities, the potential for graffiti and other vandalism of public structures is an ongoing concern. Far from being a greater concern for artworks, public art has proven to be a powerful detriment to graffiti in most communities.

Recommendation 4.1: The City should reference the public art program and the City’s intention to encourage artist and local neighborhood collaboration on the design team in all future requests for proposals and contracts for major capital improvement project architects, engineers and landscape architects.

Recommendation 4.2: The City should include, wherever possible, at least one representative from the project design and construction personnel (architect, engineer, landscape architect, etc.) as advisors to the artist selection panel.

³⁰ South Embarcadero Urban Design and Signage Guidelines (San Diego Unified Port District and Sasaki Associates, Inc., January 1999). 90.

SECTION FIVE

MANAGING THE PROGRAM: PROCESS AND ADMINISTRATION

Vision: Establish a process that creates superior public art and inspires support for and trust in the public art program

As the October 2001 Public Art Assessment process revealed, the voluntary nature of the public art program in San Diego has yielded mixed results. On the one hand, it has been frustrating, not only because it is not compulsory for CIP projects to set aside a budget for art, but also because even when there is an art component, often there is no specific process, or even a budget, attached.

On the other hand, the flexibility has, in many ways, been “an effective public relations tool.”³¹ By not forcing artworks on City project managers, many have become champions of public art. This approach, combined with initiation and encouragement from Commission staff as well as community groups with an interest in quality of life and excellence in urban design, has created approximately 110 projects over the ten years the program has been active. Some City department heads refer to the public art component in each project as a “given,” saying that project managers include it in the budget automatically.

This portion of the plan addresses the inner workings of the Commission’s public art program, presenting recommendations for strengthening it.

The Commission, City Departments and Project Managers

Objective: Clarify the roles and expectations of entities and individuals involved in the public art process

Council Policy 900-11 stipulates and outlines expectations and processes for the public art program, many of which are not adhered to. For example, cross-

participation in the selection process is encouraged, but does not happen. A Commissioner, staff member, or appointed representative from the Commission should sit on selection panels for the prime consultant for the project, and a representative from the department and from the prime should sit on artist selection panels managed by the Commission for Arts and Culture. Commission staff should also consult with appropriate City department heads to identify potential capital improvement projects appropriate for the inclusion of artists; these meetings, however, generally do not occur.

Many city staff members are not well acquainted with the public art program. In order to educate them, one of the items the Assessment identified was a need for a “brochure for project managers on the fundamentals of public art.”³² Commission staff wrote a chapter on public art to include in a new handbook for City project managers, aimed at ensuring that public art would be included in everyone’s training. While the new handbook has never been published, copies of the chapter have been distributed by Commission staff to project managers on a case-by-case basis for use as an educational tool. There are no means of assuring that the chapter is being read or followed. Formal public art training should be provided for city employees involved in project management

Project managers in general express cautious enthusiasm for the public art program. While most have worked with successful projects, and understand the benefits of the program, the administrative burden the projects create can be overwhelming. Project managers often have to identify additional funding for their projects’ public art. They usually draw up their own contracts. Often, because the art component is a minimal part of the project, it does not get the attention it needs in order to succeed.

³¹ Public Art Program Assessment Report, City of San Diego Commission for Arts and Culture, October 19 2001. 7.

³² Public Art Program Assessment Report, City of San Diego Commission for Arts and Culture, October 19 2001. 12.

“Engineers are the wrong people to manage art – we don’t appreciate it.”

– Planning Participant
(Engineer)

Project managers are both delighted and frustrated by the public art experience. They express their dismay that it “goes out of control so fast.” They are most comfortable with simple projects; i.e., artworks not incorporated into building infrastructure. For many project managers, it is simpler to have the prime consultant pick the artist, in order to eliminate the potential conflict or problems that arise when an artist is selected independently. Many times, project managers transfer the public art element *in toto* to the project architect.

Authorizing project managers to take the lead on public art projects frequently produces negative consequences. Often, public art projects are implemented, but for less than one and a half percent of the project budget. Also, project managers use contracts created for their contractors, as opposed to contracts tailored for artists. With the issues of the Visual Arts Rights Act (VARA), as well as the general complications of public art, this can prove disastrous.

Many of the City’s project managers feel that the Commission is not proactively involved in the identification of projects, or in the artist selection process. The Commission itself feels some frustration with its role. In certain cases, its decision-making power has been compromised, when its authority to select artists has been reversed by political entities.

The establishment of a public art policy, further addressed in the next section, “Funding,” will enable the Commission to identify projects appropriate for public art, and involve the artist early in the process. By reviewing future capital projects before they come on-line and move into the design phase, the Commission and the city will be able to focus their resources much more effectively to identify projects that fit with the city’s guidelines and priorities.

Recommendation 5.1: The public art program should be managed by the Commission for Arts and Culture, with the Commission-appointed Public Art Committee continuing to advise on program vision and aesthetic decisions.

Recommendation 5.2: The Commission should submit an annual public art workplan to City Council to propose public art projects for the next fiscal year, give a status report on current projects, and report on projects completed in the last year.

Artists' Role in the Process

Objective: Clarify artist selection processes and expectations for artists

In almost every case, the earlier the artist is involved in the project, the better. Incorporating the artists into the design or pre-design phase of a project gives them the opportunity to create with more freedom and flexibility. It also may result in a lower total construction cost, as artists may focus their work on a basic infrastructure element that would have been an expense of the project, but can now be absorbed by the public art budget.

When artists have time to collaborate with other contractors, this often dramatically increases engineers' and builders' appreciation and respect for artists and decreases the frustration that ensues when an artist comes on board late and starts "changing things." The City of San Diego has been able to involve the artist in the very early stages of a project on relatively few projects, but when this has occurred they have been highly successful collaborations.

Early artist involvement is one priority means of creating public art for San Diego's Commission for Arts and Culture. It should be exercised, but not to the exclusion of other means of selecting and involving artists. The proposed Public Art Policies, attached to this plan, outline a number of means of artists' selection and involvement, all of which should be incorporated into the Public Art Program.

There is concern about the long-term implications of public art pieces fabricated by entities other than the artist. Currently, the fabrication of all public works projects, including art, has to be offered to three bidding agents for competition. In most municipalities, professional services contracts do not mandate that the fabrication contract has had to go out for bid. In the case of outside source fabrication, the city will have to be very specific about the standards of quality it demands and expects, and the artist's ability to supervise the fabrication.

Right now, there is the expectation of antagonistic relationships between artists and the City's contractors. One department head stated that "contractors fear the artists, because nothing's ever good enough for them." In order to ensure that an artist's perceived "unreasonable" standards don't make them lose money, contractors often bid projects high. Some project managers also said that "artists use us [the City] to experiment," meaning that often the artists themselves don't know what the end product will look like. That statement was made by project managers with a great deal of experience working with public artists, and undoubtedly reflects the reality of at least a few projects.

Recommendation 5.3: Future large-scale public art projects should be scheduled to permit artists' involvement at the earliest stages of design with the intention of making the artist an integral part of the project design team. This is usually best accomplished by the concurrent selection of the artist and the project architect.

Staffing

Objective: Clarify role of public art staff and increase numbers to achieve goals of the public art program

Public art is extraordinarily staff intensive. In each of this report's recommendations, staff is a crucial element. A successful public art program is managed by experienced and knowledgeable administrators. Without directing

sufficient funding to public art staff, there is no hope for a long-term successful program.

Public art programs may appear deceptively simple. This appearance belies an internal organization that is complex, time-consuming and staff-intensive, particularly if the appropriate level of community outreach and education activities is in place. A program whose administration is under-funded is in constant danger of being ineffectual and ultimately unsuccessful.

In general, a well-managed program requires a full-time staff person for every eight public art projects managed. For example, a Program Director, Project Manager and a Program Coordinator could manage a maximum of 24 active projects at any stage of implementation.

In addition to staff, a minimum of 15% of the overall public art funding is necessary to maintain adequate administration of a successful program. Activities that directly support the public art program, such as community participation, artist selections and educational outreach, are appropriately supported by an administrative set-aside from the Public Art Fund. Management and staffing should ideally be funded through the City's General Fund, so that program administration is not disrupted or compromised by fluctuating capital project funds.

The program's current processes make it even more staff-intensive. The policy stipulates that Commission staff bill departments for their public art services at an hourly rate. When public art budgets are derived from within individual departments, rather than directly from the Public Art Fund, it creates much more administrative burden, as well as confusion. The situation is exacerbated by the fact that the Commission does not bill for its time, due to the fact that public art project budgets are generally so low; they make the decision to put the funding into the art rather than administration. While this is laudable, it also creates an

untenable burden on Commission staff, as they have the budgeted expectation of billable hours.

Recommendation 5.4: 15% of the public art funds should be reserved in a segregated account within the Public Art Fund for program administration and community participation, artist selection processes, community outreach and publicity, project documentation, children's education, art programs and other appropriate related purposes.

Recommendation 5.5: In the future, consideration should be given to funding public art program staff through the General Fund, or by a mix of the General and Public Art Funds.

Contracting

Objective: Consolidate and simplify artist contracts on public art projects

The issue of contracting – and its complication and frustration – dominated the consultants' interviews with City personnel. Currently, contracts are generated by departments where capital projects are managed, and are variants of the City's standard consultant contract. Thus, it rarely defines such crucial details as artwork fabrication, artists' rights, insurance, etc.

"Art contracts should be managed from one department."

– Planning Participant

In some cases, the contract does not even specify the budget for the public art component, or the artists' fees. This is problematic for everyone. When the artist is not given a budget, he or she often produces a concept that is not approved because of its scope and ultimate cost. A redesign causes more problems later as it may create delays and cost increases for the entire project. There have also been instances where artists are never informed of their budget.

The 2001 Public Art Roundtable Forums reported that "the Commission should contract directly with the artist to coordinate and control the overall art project"

and furthermore that “every artist should receive a succinct and detailed scope of work.”³³ The process would be simplified tremendously if all contracts were generated from and managed by the Commission’s office.

While one standard artist’s contract would be nice, it may not be practical, as each public art situation is unique. In many cities, the public art division, in concert with the City Attorney’s office, works with multiple template contracts that can be applied to a variety of circumstances.

It is also important to remember that the general artist population is not necessarily versed in legal language, insurance requirements, and many of the other components of city contracts. This should be reviewed in the public art training, to give artists participating in the program an opportunity to fully understand the various elements of the contract.

The City has been working diligently to address the needs of the artist and balance them with the obligations of the City. In order to address both entities’ needs, the consultants recommended a limited waiver of VARA rights, which acknowledges a limited number of specific circumstances in which VARA could be waived. These include the destruction of the project site; conversion of the site to new uses; damages or deterioration to the work under circumstances where the cost of repair or restoration would be economically prohibitive; and an artwork or site that poses a threat to public safety for unforeseen circumstances. The consultants do not advise that any waiver of VARA rights be based on aesthetic considerations or changes in public taste. The City expressly commits that it will not alter or modify a work for aesthetic reasons.

Future contracts should refer to the City’s de-accessioning policy, as well as the maintenance expectations for the artist. In terms of maintenance, the contracts should stipulate that if the artist does not submit a maintenance plan for the

³³ A Report on the Public Art 2001 Roundtable Forums. 8.

artwork, then he or she waives rights in the case that it is damaged by the city's best efforts at maintenance. In the future, the City's contract templates should be made available to artists for review in advance of their submission of qualifications or proposals for certain projects, to ensure that artists understand the city's expectations. The RFP or RFQ should expressly require a statement of any concerns or issues the artist might have with the proposed contract. In that way, the City can know in advance if the artist objects to portions of the contract on which the City is unwilling to negotiate. This can be facilitated by posting the City's standard public art contract(s) on its website.

Recommendation 5.6: The Commission for Arts and Culture should manage and house all artists' contracts, acting as a liaison between artists and project engineers, managers, etc.

Recommendation 5.7: The City should adopt a series of artists' contract templates for use in public art projects, recognizing that these contracts will need to be customized to fit the needs of specific projects.

Recommendation 5.8: The Commission for Arts and Culture should continue to work with the City Attorney to achieve goals related to the federal Visual Artists' Rights Act (VARA), the California Civil Code Section 987 and federal and international copyright laws, recognizing that the City must retain control of its public spaces for future use and reuse.

Selection Process

Objective: Ensure that the approved processes are used to commission public artworks

The Commission has outlined an ideal process for artist selection, focusing on Requests for Qualifications, selection panels made up of objective arts professionals and project participants and an as-needed artist list, to simplify

small-budget projects. However, that process is sometimes compromised before it begins, due to short-term turn-around, or late artist-involvement.

The most ideal process is the most “open” process: one which allows for the selection of the artist to be based on the artist’s talent and creativity, and a willingness to work with input from the community and the design team. The attached Guidelines outline a set of allowable selection processes, which focus on an open process whenever possible.

The Public Art Master Plan Steering Committee stated that their goal is to have the actual presentation of public art be “practically a non-event.” In other words, the process that brought that work into being should be so open and invite such great public participation, that the process has ensured a high level of community acceptance of the work.

Recommendation 5.9: The City should adopt the attached program guidelines and policies, outlining allowable artist selection processes.

Maintenance

Objective: Create an endowment to provide for long-term maintenance of public artworks

Maintenance can be the Achilles heel of an otherwise well-conceived and properly administered Public Art Program. When one considers the significant public investment being made in the creation of a public art collection, it is crucial that the collection be maintained regularly and properly.

The City of San Diego currently has no funding set aside for maintenance. This is both an immediate and long-term problem. City personnel identified it as the second biggest problem – after basic funding for art – facing the public art

“Having a badly maintained piece of public art is like having dead flowers in your house.”

– Planning Participant

program as it stands. There is no will to maintain special projects; no resources have been identified, nor funding stream created.

The only way to ensure that projects are provided with adequate long-term care is to set aside funds that effectively serve as an “endowment” that exists in perpetuity, like the artworks themselves. Maintenance should be conducted by authorized city departments and overseen by the Commission for Arts and Culture. In order to ensure that city staff understands the specific public artwork maintenance requirements, the Commission for Arts and Culture should conduct periodic workshops on maintenance needs.

The Commission is working on a collections management project, the first phase of which was completed in the winter of 2002. A consultant has compiled an index of the City’s entire inventory of public art, and has put this information into an access database with visuals.

Recommendation 5.10: 10% of the public art funds, to the extent permitted by law and the funding sources, should be set aside in a separate pooled, interest-bearing account within the Public Art Fund for collections management and the preservation and maintenance of the public art collection.

Recommendation 5.11: Routine maintenance of public artworks should be the responsibility of the agency at which the artwork is sited, in accordance with maintenance guidelines provided by the project artist, and with oversight by the Commission for Arts and Culture. All non-routine maintenance should be the responsibility of the Commission.

Recommendation 5.12: The Commission should offer periodic workshops on maintenance to city line workers in departments responsible for maintaining public artworks.

Recommendation 5.13 The Commission for Arts and Culture should hire professional art conservators to identify

maintenance issues and to assist in training City workers in routine maintenance. Conservators should be responsible for major restorations, when needed.

Recommendation 5.14: The Commission for Arts and Culture should conduct a maintenance survey of the entire collection at least once every five years.

Public Art Committee

Objective: Maximize the effectiveness of the Public Art Committee

The public art program is currently overseen by the Public Art Committee (PAC), a sub-committee to the Commission for Arts and Culture. The Committee advises the Commission on public art program policy, as well as the placement of public artworks and artists' selection, among other duties.

The Committee currently has a maximum membership of 15, with an additional seven ex-officio members representing the City and Centre City Development Corporation. The ex-officio membership has been one of the major strengths of the public art program: it has provided other city departments with a working knowledge of public art, and made their representatives active advocates of the program. The Committee also has the power to appoint sub-committees (Nominating, Strategic Planning, etc.) of up to six PAC members.

While the Public Art Committee has successfully administered public artworks in the City, a smaller Committee may result in a greater ability to effectively lead the program. The ex-officio membership category should be kept intact, as it has engendered great ownership of the public art program.

Recommendation 5.15: The Commission for Arts and Culture should modify the number of Public Art Committee members to a maximum of nine, with representation to include public artists, public art

professionals, business leaders, community leaders and members of the Arts Commission.

Recommendation 5.16: The Commission for Arts and Culture should update the Public Art Master Plan every five years.

SECTION SIX

IDENTIFYING FUNDING

Vision: Identify an ongoing, steady funding stream for public art, and opportunities for alternative funding means

City Percent for Art Program

Objective: Establish a citywide percent for art program with an initial annual allocation of two percent of a designated portion of the Capital Improvement Program for public art

In the 2001 Public Art Roundtable Forums, many participants cited funding as an area for enhancement of the current public art program. While the voluntary program has created some notable works, the majority felt that “a ‘Percent for Art’ program would create a healthier, more functional relationship between artists and the Commission.”³⁴

Members of the private sector feel that they are the primary proponents of public art. Enlightened developers have taken a leadership role, and they feel that it is time for the local government to “step up to the plate” regarding public art. The private sector can take a strong supporting role, but the lead should be provided by local government. A shift from the voluntary 1^{1/2}% for art to a recommended 2% of the CIP (capital improvement program) for art, as approved annually by the City Council, should be the first step.

In the United States, over 350 public art programs exist. The vast majority of those are funded via a percent of the local municipality’s capital improvement program. Most recently adopted percent for art programs set aside 2% of qualified capital improvement costs for art. In light of San Diego Charter Section 11.1, San Diego’s percent for art program should be funded by a council policy that requires the City Manager to propose a budget that includes 2% of the

³⁴ A Report on the Public Art 2001 Roundtable Forums (City of San Diego Commission for Arts and Culture, May 21 2001.) 7.

annual capital improvement budget set aside for art (see attached Policy, page 72).

Many aspects of the current public art program should be retained. Historically, one of the most interesting opportunities in the San Diego Public Art Program has been the result of major infrastructure projects in the water and sewage treatment systems. It is important that the City continues to support public art through these Enterprise funded projects.

Recommendation 6.1: The San Diego City Manager should annually propose that the City's Public Art Program be funded by 2% of the annual Capital Improvement Program budget.

Recommendation 6.2: In Capital Improvement Program projects that are supported by Enterprise Funds, the 2% public art allocation should be applied only to above-grade improvements and any public art monies should be expended at the sites generating the monies.

Pooling

Objective: Allow for the designation of public art funds to projects that meet the City's overall goals and objectives

Currently, the vast majority of public art projects are extremely small; many, under \$10,000. This causes a great administrative burden, as a \$5,000 project and a \$500,000 project essentially require the same staffing. Encouraging so many small projects ultimately takes an extreme toll on staff, meaning that many critical tasks, notably community outreach activities, are not completed.

Bigger projects provide more flexibility. Temporary projects create community response, press attention, dialogue, without threatening the community with its permanence. These kinds of projects should be encouraged and can be funded through a pooling of funds. Creating a mechanism to allow for the pooling of

funds will result in more landmark, high-impact projects, and fewer small, staff- and energy-intensive projects that don't produce the effect that is the aim of the public art program.

There is a potential drawback to pooling funds. Some project managers and division heads may feel that their capital projects are being taxed, without a corresponding added value, when a percent for art is allocated from the initial project budget. However, when pooling is limited to small budget projects, the perception of "taxation" will be greatly alleviated. There should also be a provision to keep pooled funds in the department from which the funds are derived, whenever appropriate. In all cases, bond monies will be allocated to projects that are authorized in the bond resolutions or ordinance.

Pooling funds for the public art program will also allow for the placement of public art works in communities in which fewer capital projects are built. By pooling funds for the program, all neighborhoods in San Diego should be able to enjoy artworks in their own community, despite a lack of construction.

Recommendation 6.2: To the extent permitted by law, the requirements of grants or applicable bond resolutions, monies appropriated under the revised public art policy should not be required to be spent on the projects that generated them. Project monies should be able to be pooled and expended for any public art project in the City.

Monies collected in a community plan area should, generally, be spent in that community plan area. This will help insure that there is a return to the community on the resources that are used to support public art projects.

Recommendation 6.3: Pooled monies in the Public Art Fund should be permitted to be spent for temporary works.

Private Development Participation

Objective: Encourage private support for public art

Many planning participants said that San Diego's most interesting places and buildings have been planned by the private sector. As private developers propose good design and public spaces, the establishment of a public art requirement should be pursued. Other communities in the county have percent for art programs for private development. In Escondido, any private development over 2,000 square feet pays \$.15 per square foot for public art; those funds can either be put into art on the property, or directly into a pool administered by the program. Escondido now has 20 public art pieces. In Chula Vista, there are five zones where 1.5% of any development is directed to public art.

Many developers establish public art of their own volition in the city of San Diego. In order to support the works of the already dedicated, the city should enact a percent for art requirement for private developments with construction budgets of over \$10 million. It is important to note that housing developments will not be required to incorporate a percent for art.

In order to provide private developers with options in the percent for art program, they should be given the choice of either establishing a work that is connected with their development, or providing a lesser percentage directly to the City's Public Art Fund, to be expended in accordance with the City's and the Commission for Arts and Culture's program priorities.

When developers choose to provide funding directly to the City, the Commission should attempt to direct that funding to a project within the vicinity of the private development that funded it, wherever possible. When developers opt to establish a public artwork on their own sites, they will be required to comply with Commission-established selection and administration processes. The Commission will provide them with administration of the project if requested and funded. The Commission should be open to any concept the private developer

brings forth, while encouraging and guiding the developer to create a public work in accordance with its mission.

Over the past few decades, the pattern of private development has begun to change in many communities, including San Diego. Often, the scale of urban development and redevelopment requires a partnership between the public sector and the private sector. A city redevelopment agency or economic development agency may assemble the land or provide a subsidy to make a major private development project happen.

In the future, this type of mixed public-private development is likely to become more and more common. Where there is a significant investment by the public sector in these developments, it is important to expect that they will adhere to the same high design standards and public art requirements imposed on purely public sector projects.

Recommendation 6.4: The provisions of the revised public art program should be extended to include any public-private development projects in which the City participates.

Recommendation 6.5: The City should establish, by ordinance, a two percent for public art or the use of space within the development for cultural use requirement for all private, non-residential development projects with construction budgets of over \$10 million, with a 1% in-lieu option.

Private Donations

Objective: Encourage donor and community communication in public art projects

The Commission for Arts and Culture is sensitive to the needs and desires of private individuals or entities who make major contributions to city projects, such

as libraries. The Public Art Program should not be a hindrance to the involvement of private individuals who wish to provide needed amenities for the City. Rather, it should provide an opportunity for involvement and participation.

Ideally, a donor will be in place before any artist selection has commenced; in that case, the donor or his/her representative should be invited to sit on selection panels for public artists. When a donor comes forward for a project that is already in process, or complete, the process by which the art has been developed – with extensive community participation – should assure the donor that the artist has been carefully chosen.

Private donations of public artworks must be accompanied by a maintenance endowment, to allow the city to care for the artwork in perpetuity. The endowment should be approximately 10% of the value of the artwork, and should be submitted directly to the Commission for Arts and Culture.

Recommendation 6.6: Proposed donations of artworks should follow the same rigorous review process as any other public art project. Prospective donors should be invited to participate in the artist selection panel if the proposal is to commission a new work of art.

Recommendation 6.7: Privately donated artworks should require a maintenance endowment, to ensure for the long-term care of the artwork.

SECTION THREE:
PROGRAM ADMINISTRATION

CITY OF SAN DIEGO PROPOSED PUBLIC ART POLICY

Section 1.1 Purpose and Intent

The purposes of this policy are to promote the cultural heritage and artistic development of the City of San Diego, to enhance the City's character and identity, to contribute to economic development and tourism, to add warmth, dignity, beauty and accessibility to public spaces and to expand the experience and participation of citizens with visual arts, by directing the inclusion of public art in City capital improvement projects.

Section 1.2 Policy

The City Council recognizes the need for adequate funding for the creation, support and maintenance of public art as administered by the City's Commission for Arts and Culture. The Council shall endeavor to fund the Public Art Program with two percent (2%) of eligible Capital Improvement Program project budgets, in the adoption of the final budget policy each fiscal year. The funds shall be used for artist design services and for the selection, acquisition, display and maintenance of artworks.

Section 1.3 Definitions

- a. "Artist" means any practitioner in the visual and design arts, generally recognized by critics and peers as a professional in the field as evidenced by his/her education, experience, exhibition record and artwork production.
- b. "Artwork" means works in a variety of media produced by professional artists; works may be permanent, temporary or functional, may be stand-alone or integrated into the architecture or landscaping, if such are designed by an artist as defined above, and should encompass the broadest range of expression, media and materials. The term "artwork" does not include inappropriate expenditures as described in section 1.5.
- c. "Commission" means the City of San Diego Commission for Arts and Culture that advises the City Council on expenditures from the Public Art Fund.
- d. "Capital Improvement Program" means the City's program for capital development.
- e. "Eligible Construction Project" means any capital project paid for wholly or in part by the City of San Diego, for the construction or renovation of any

- building, park, highway or arterial, streetscape or road beautification, bridge, transit or aviation facility, trail or bikeway, parking facility, above-grade utility, or any portion thereof, to which the public has access or which is visible from a public right-of-way. (Note: public art in private development will be covered by a separate policy or ordinance.)
- f. “Eligible Project Costs” means the total project appropriation, less real property acquisition, demolition, environmental remediation, legal and accounting fees and interest costs. It shall also exclude funding from any outside source, if such funds are not permitted to be used for artworks.
 - g. “Public Art Collection” means the artworks owned by the City resulting from this policy or the public art program that preceded this policy.
 - h. “Public Art Fund” (“Fund”) means a separate account into which all monies generated under this policy or derived from gifts or donations for public art shall be deposited.
 - i. “Public Place” means an area on public or private property that is legally accessible and visible to the general public.
 - j. “Renovation” means any major redesign of a facility or system or portion thereof which is included in eligible construction projects, including expanding or upgrading the capacity of the facility or system, enlarging the facility or creating a new use for the facility. It does not include repairs, maintenance or installation of replacement mechanical equipment or modifications required solely for the purposes of code compliance.

Section 1.4 Funds for Artworks

- a. Each year in adopting the City’s annual Capital Improvement Program budget, the City Council shall consider the appropriation of two percent (2%) of the total amount budgeted for each Eligible Construction Project to be set aside and identified as funds to be appropriated and expended for acquisition or commissioning of Artworks in accordance with the provisions of this chapter. Appropriations for purposes of acquiring Artworks in order to carry out the provisions of this policy shall be made in accordance with law and the budgeting procedures of the City. Development and placement of Artworks shall be approved by the City Council.
- c. If the source of funding or other applicable law or regulation with respect to any particular project prohibits or restricts the use of funds for Artworks, the amount of funds so prohibited or restricted shall be excluded in determining the 2%.

- d. After the effective date of this policy, the issuance of new bonds or the acquisition of short term financing shall include the 2% for use for artworks, unless restricted by federal or state law.
- e. Appropriations and expenditures for Artworks may include, but are not limited to, the costs and expenses incurred in the process of developing and installing Artworks in public buildings or grounds. Such administrative costs shall not exceed 15 percent (15%) of the 2% set aside for Artworks by project.
- f. Any monies collected in accordance with this policy shall be deposited into a separate account (Public Art Fund) by the Director of Finance. The Director of Finance shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall earn interest and the earned interest shall be used for and subject to the same restrictions established by this section. The transfer of monies shall take place within thirty days of appropriation by the City Council. The Fund shall be authorized to accept gifts, grants and donations made to the City for Artworks, as well as any in-lieu contributions from private developers. The Fund shall be self-perpetuating from year to year.
- g. Funds authorized and/or appropriated pursuant to this section may be expended for Artworks in association with any current City projects or in existing public facilities and spaces which are owned by the City, if legally permissible.
- h. In the case of any Eligible Construction Project which involves the use of grant funds, or the proceeds of any bonds issued after the effective date of this policy, amounts for Artworks shall be used for projects and purposes consistent with state and federal laws, the resolutions and/or policies approved by the voters or the City Council, as applicable. All capital improvement project bond policies, resolutions or grant applications approved after the effective date of this policy shall make specific reference to the provisions of this policy.
- i. For any public art funds that do not come from a restricted source, the funds should be pooled into the Fund.
- j. When funds are derived from restricted sources (e.g., Enterprise Funds, certain bond funds, etc.), those funds must be accounted for and tracked in separate accounts within the Fund, to ensure that they are expended on associated public art projects.
- k. All City departments and agencies shall, from the effective date of this policy, include in all applications for funding for capital improvement

- projects to outside grant organizations or governmental agencies, an amount equal to two percent (2%) of eligible construction costs for Artworks as specified herein unless specifically prohibited.
- l. The minimum amount to be appropriated for Artworks shall be the total eligible project costs multiplied by 0.02. This calculation shall be included in any request for appropriation of funds for any Eligible Construction Project.
 - m. An amount equal to fifteen percent (15%) of the public art allocation for each project (0.0030 of the total eligible project costs) shall be set aside in a separate account within the Fund to be used for Public Art Program administration and community participation activities, including artist selection, design/proposal/maquette costs, consultant fees, project documentation, publicity, community education activities, interpretive plaques and other purposes as may be deemed appropriate by the Commission for the administration of the program. Funds in the program administration account not expended at the close of any fiscal year shall be carried forward into the next year.
 - n. An amount equal to ten percent (10%) of the public art allocation for each project (0.0020 of the total eligible project costs) shall be set aside in a separate account within the Fund for curatorial services and the preservation and maintenance of Artworks in the public art collection. Funds in the maintenance and conservation account not expended at the close of any fiscal year shall be carried forward into the next year. Private developers who choose to develop public art projects on their property may retain up to 10% of their public art funds to create an endowment to maintain the artworks over time. The City shall have no obligation to provide for the preservation and maintenance of Artworks placed on private property.
 - o. The Fund shall be used to provide sites for and Artworks in public places. Public Artworks may be placed on public display, integral or attached to a public building or structure; detached within or outside a public building or structure; within or as a part of the landscape of a public park, square or other outdoor public site or lands; part of a portable exhibition or collection; part of a temporary exhibition; or loaned or exhibited in other public facilities.

Section 1.5 Inappropriate expenditures.

Expenditures that would not be appropriate include, but are not limited to:

- a. Reproductions by mechanical or other means of original artworks (however, limited editions controlled by the artist, or original prints, cast sculpture, photographs, etc. may be included);
- b. Decorative, ornamental or functional elements that are not designed by an artist selected through an approved selection process;
- c. Those elements generally considered to be components of the landscape architectural design, vegetative materials, pool(s), paths, benches, receptacles, fixtures, planters, etc. which are designed by the architect, landscape architect or other design professional engaged by the primary designer;
- d. Art objects which are mass produced, ordered from a catalogue, or of a standard design, such as playground sculpture or fountains; directional or other functional elements, such as signage, color coding, maps, etc.; and
- e. Purchase of existing Artworks without the selection process as provided for in the adopted Public Art Program guidelines and policies.

Section 1.6 Exclusions from and additions to the Public Art Program.

- a. Prior to submission of the City's proposed annual capital improvement budget to the City Council, the City Manager in concert with Commission staff, shall notify the Commission of:
 - (1) those Capital Improvement Program projects that are eligible for public art as defined in Section 1.3. The funding source for each project shall be identified and the City Manager shall indicate whether or not the funds can legally be used to provide Artwork at the project site and if the funds can legally be pooled with other monies in the Public Art Fund for use at a different site;
 - (2) those proposed capital improvement projects in said budget that are not appropriate for public art, due to low anticipated public visibility and/or public usage. The funding source for each project shall be identified and the City manager shall indicate if the funds can legally be pooled with other monies in the Public Art Fund for use at a different site; and
 - (3) any proposed additional and/or discretionary funds added to the Public Art Fund.
- b. In conjunction with the approval of the City's annual Capital Improvement budget, the City Council shall consider the of the Commission and may:

- (1) determine that the funds for certain Capital Improvement Program projects can be pooled, and therefore be deposited into the Public Art Fund;
- (2) determine that the funds for certain capital improvement projects cannot legally be pooled and therefore cannot be deposited in the Public Art Fund;
- (3) designate additional funds to be added to the Public Art Fund, which said funds may be utilized to place Artworks in existing public buildings which do not otherwise qualify as eligible; the amount of said additional funds shall be discretionary; and/or
- (4) designate fewer or more funds than the proposed 2% of the Capital Improvement Program budget to the Public Art Fund, as it deems fit.

Section 1.7 Approval.

Contracts of over \$250,000 for development of Artworks or for other purposes authorized by this policy shall be submitted to the City Council for approval.

Section 1.8 Other agencies.

- a. If the City enters into an agreement with another public agency, whereby City monies are transferred to such agency for the purpose of performing a capital improvement project which would otherwise be deemed an eligible construction project under this chapter, such agreement shall provide, whenever it is lawful, that the recipient or its successor in interest shall take appropriate measures to ensure that two percent (0.020) of said monies are expended for development of art within this program.
- b. If the City enters into an agreement with a private developer for a capital project, wherein the City or redevelopment agencies provide financing, loan guarantees, tax abatement, land or other significant in-kind support, the City may, at its sole discretion, require the private developer to provide for Artwork in an amount not less than two percent (0.020) of the total project budget. The proposed Artwork shall be reviewed and approved by the Commission. The private developer may, in lieu of this requirement, deposit an amount equal to one percent (0.0100) of the total project cost in the Public Art Fund, to be expended on public art projects elsewhere in the city.

Section 1.9 Public Art Program Management.

Public art funds shall be appropriated and expended by the City Council with the advice of the Commission. The Public Art Program guidelines and policies are hereby adopted to provide guidance in the appropriation and expenditures of the

Fund and this policy. These policies and procedures may be amended only after a public hearing by the Commission and adoption of a resolution by the City Council.

Annually, the Commission shall develop a public art workplan, detailing the proposed public art projects to be implemented in the upcoming year. The Commission shall submit this plan to the City Council for review and approval.

The Commission shall, with the guidance of the adopted Public Art Program guidelines and policies:

- a) Make recommendations to the City Council on public places that shall be considered for Artworks.
- b) Make recommendations to the City Council on artists whose works should be considered for placement in public places.
- c) Review and determine the appropriateness of any Artwork to be located within a public place by the City.
- d) Make recommendations to the City Council on the development of Artworks.

Once a project is included in the approved public art workplan, the Commission shall be responsible for the selection of artists, the commissioning of Artworks and/or the purchase of Artworks. Over time, the Commission should aim to achieve an appropriate balance among local, regional and national artists in the public art program. The enduring quality of the Artworks should be a primary consideration during artist selection.

The Commission shall require that any Artworks needing extraordinary operations or maintenance be reviewed by the appropriate City Department Director prior to the acquisition of that Artwork. At least once every five years, the Commission shall be responsible for conducting a maintenance survey of the public art collection. This survey shall include a condition report on each Artwork, prioritized recommendations for the restoration or repair or maintenance of Artworks, and estimated costs. It shall be the responsibility of the various City departments to provide for the routine maintenance of Artworks under their jurisdiction. Such routine maintenance shall be in accordance with approved plans submitted by each project artist. The Commission shall oversee any non-routine maintenance.

The Commission may encourage and help obtain additional grants and gifts of public art from outside sources.

Day-to-day management of the Public Art Program shall be provided by Commission staff.

Section 2.0 Placement of Artworks

Artworks selected and implemented pursuant to the provisions of this policy and any resolution thereto, may be placed in, on or about Eligible Construction Projects. They may be attached or detached, within or about such property, and may be either temporary or permanent. City officials responsible for the design and construction of such projects shall make appropriate spaces available for the placement of Artworks.

Placement of works shall be followed, within a reasonable time frame, by interpretative plaques on or near the Artwork, indicating artist, year created and dedicated, and description of the Artwork or its reason for installation, as appropriate. Plaque placement shall be determined by Commission staff in consultation with the artist.

ORDINANCE ON PUBLIC ART IN PRIVATE DEVELOPMENT

(Under development)

PROGRAM GUIDELINES

Purpose

The purpose of these guidelines is to establish procedures for the implementation of the Public Art Master Plan, completed in _____, 2003.

Vision

What has become known as “public art” has, in recent years, matured into a sophisticated engagement of artist and audience within the public sphere. Once known mostly as monuments, public art now embraces works that range from monumental works in many permanent and familiar materials to those less expected, both in terms of permanency, placement, and interaction. A forward thinking public art program will seek to create and enhance San Diego's public spaces, the built environment, and the City's creative life for the benefit of its citizens, as well as visitors to the city. Well-designed public spaces, as well as compelling and imaginative artworks, promote the public's use and enjoyment of the city, while building an identifiable artistic legacy for future generations to experience.

Goals

The primary goals of the Public Art Program are to develop a more aesthetically interesting environment, to integrate the work of artists into public spaces and to promote tourism and economic vitality of San Diego through the enhancement of public spaces. Specifically, the Commission seeks to develop a Public Art Program that:

1. Creates an eventual collection of works that reflect a unique artistic urban vision.
2. Reflects San Diego's diverse history, citizenry and natural beauty.
3. Promotes the integration of the art with the community, architecture and landscape of the City.
4. Enables local and regional artists to work in the public sector, while involving artists with national or international reputations.
5. Advances imaginative urban design as a component of the city's community development goals.
6. Involves the community directly, through participation in the public art process and through community outreach activities.
7. Fosters innovation and promotes artistic excellence.

Funding

The overall budget for the Public Art Program is funded through a combination of government funding and funds from donations and application of the percent for art requirement on certain private and public/private projects. Government funds are appropriated as outlined in the City's public art policy. Grant funds may also be sought for special projects and to augment the budget of existing projects.

The City of San Diego public art policy, adopted (actual date of the passage of the policy) proposes that 2% of the total capital project costs of City capital improvement projects be allocated for public art. Eligible costs are the total actual costs associated with a construction project, excluding land acquisition, demolition, environmental remediation, legal fees and interest costs. Public art funds may be "pooled" and expended on appropriate City projects, unless specifically prohibited by law or funding source.

Under this policy, the public art allocation applies generally to the capital improvement programs of the City, including buildings, parks, decorative or commemorative structures, parking facilities, bridges, viaducts or pedestrian overpasses, highways and arterial construction or reconstruction, streetscapes, bikeways, trails, transit and aviation facilities and above-grade utilities.

The City Capital Improvement Program is reviewed annually by the Public Art Committee, the Commission for Arts and Culture and staff, in conjunction with City departments and the respective budget offices, for recommendations on public art allocations to the City Council, as part of the presentation of the annual public art work plan. This plan shall include the proposed public art projects for the upcoming year, with budgets and conceptual approaches.

The work plan presentation shall take place on a schedule that coincides with the adoption of the City capital budget each year. It shall also give a report of the status of all ongoing public art projects and projects completed in the last year. With the passage of the annual work plan, monies shall be transferred to a Public Art Fund managed by the Commission staff. The Commission for Arts and Culture, upon recommendations from the Public Art Committee, may from time to time during the course of the year modify the annual work plan. The City Council shall review any significant changes that are proposed.

Use of Public Art Funds

Monies in the Public Art Fund may be used for artist design services and the acquisition or commissioning of artworks for the San Diego Public Art Collection. Monies may be expended for artist design fees, proposals/drawings/maquettes, artist travel and expenses, artwork purchases and commissions, artwork fabrication or materials, shipping and crating, insurance, the preparation, installation or placement of artworks or other purposes as decided by the Commission for the implementation of the program.

15% of the dollars allocated for public art monies should be utilized for program administration and community participation, artist selection processes, community outreach and publicity, project documentation and other appropriate related purposes deemed necessary by the Public Art Committee. 10% of the public art monies, to the extent permitted by law and funding sources, should be set aside in a separate account within the Public Art Fund for curatorial services and for the preservation and maintenance of the public art collection.

Eligible Artworks

In general, all forms of artistic expression created by professional artists are eligible for inclusion in the Public Art Program. These may be in a wide variety of styles, media and genre. They may include freestanding works, as well as works that have been integrated into the underlying architecture or landscape. They may include permanently installed works, as well as temporary installations, if such projects contribute to community understanding and participation. They may also include artist-designed infrastructure elements, such as soundwalls and utility structures, as well as artist designed street furniture, such as benches, bus stops, tree grates, etc.

The public art projects are not intended to substitute for functional elements that would normally be a part of the architecture or the landscape of capital improvement projects. Unless they are specifically designed by professional artists, the following will not be considered as part of the art program:

- Reproductions of original artworks by mechanical or other means (however, limited editions controlled by the artist, or original prints, cast sculpture, photographs, etc., may be included);
- Decorative, ornamental or functional elements that are designed by the architect or other design consultants engaged by the architect;
- Those elements generally considered to be components of the landscape architectural design, vegetative materials, pool(s), paths, benches, receptacles, fixtures, planters, etc., which are designed by the architect, landscape architect or other design professional engaged by the primary designer;
- Art objects which are mass produced or of a standard design, such as playground sculpture or fountains;
- Directional or other functional elements, such as signing, color coding, maps, etc., not designed by an artist selected through the Commission-approved process;
- Walls, bases, footings, pools, lighting or other architectural elements on or in which the artworks are placed or affixed, or mechanical elements and utilities needed to activate the artwork;
- On-going operating expenses or maintenance of artworks, architectural elements on or in which the artworks are placed, or sites where artworks are located;

- Statues, representations of historical figures or historical plaques, unless part of a larger artwork designed by a professional artist where the work illuminates historical facts and deeds significant to the community; or
- Purchase of existing artworks without the selection process, as provided for in the adopted Public Art Program guidelines and policies.

Responsibilities

The Commission shall:

- Be responsible for the ongoing oversight of the Public Art Program;
- Establish policy and procedures under which the Public Art Program operates;
- Review and approve the recommendations of the Public Art Committee;
- Oversee the management of the Public Art Collection, including the periodic assessment and maintenance of the Collection; and
- Review and recommend to the City Council the annual public art workplan and the proposed annual budget for public art.

The Commission Staff shall:

- Steer the overall work objectives of the Public Art Program, such as staff project administration, artist project management, strategic planning and community outreach;
- Monitor the overall development of the Public Art Collection, including ensuring that local and regional artists are represented in the Collection and ensuring that the Public Art Collection is reasonably balanced over time with respect to ethnicity and gender of artists selected and with respect to styles of expression, media and genre;
- Oversee a maintenance survey every five years of the entire Public Art Collection;
- Review and approve the recommendations of the Public Art Committee;
- Review and approve the annual workplan presented by the Public Art Committee that shall include identification of eligible capital improvement projects and funding appropriations;
- Oversee all artists' contracts in association with the public art program; and
- Present approved recommendations to the San Diego City Council.

The Public Art Committee shall:

- Recommend program policy and general oversight for the Public Art Program;
- Recommend guidelines, policies and procedures for the selection, implementation and conservation of public art in San Diego;
- Review and recommend to the Commission all public art selections for the City of San Diego;

- Make recommendations regarding the care and maintenance of the Public Art Collection to appropriate parties or site agencies;
- Review and recommend the annual workplan to the Commission;
- Recommend a pool of potential Artist Selection Panel members;
- Act as liaisons to the individual artist selection panels;
- Review and recommend to the Commission the individual artist selection panel recommendations;
- Ensure community outreach and citizen participation in the Public Art Program;
- Review and recommend proposed gifts of public art to the City, as well as loans and long term exhibitions of public art on City-owned property;
- Review and recommend accessioning and deaccessioning of artworks from the Public Art Collection;
- Periodically review and recommend changes to the Public Art Program guidelines, policies and procedures; and
- Be comprised of no more than nine (9) voting members, primarily of persons qualified in the visual art and/or design professions.

Artist Selection Panels shall:

- Be ad-hoc panels formed for a limited period of time and charged by the Commission with recommending artists for individual projects or groups of projects;
- Review the credentials, prior work, proposals and other materials submitted by artists for particular projects;
- Recommend to the Public Art Committee an artist or artists to be commissioned for projects, or who will be engaged to join the design team for projects;
- Respond to the charges outlined in the project prospectus and project guidelines, concerning the requirements and concerns addressed within the particular project;
- Be sensitive to the public nature of the project and the necessity for cultural diversity in the Public Art Program;
- Consist of individuals broadly representative of the following categories: artists, arts professionals, community members, donors, project architects and/or engineers, project managers, and others as deemed appropriate;
- Maintain confidentiality on the proceedings of all panel meetings to the extent allowed by law; and
- Continue to meet, when appropriate, to review the selected artist's design concepts.

Artists shall:

- Submit credentials, visuals, proposals and/or project materials as directed for consideration by artist selection panels;
- Conduct necessary research, including attending project orientation meetings and touring project sites, when possible;

- If selected, execute and complete the artwork, conceptual work or design work, or transfer title of an existing work, in a timely and professional manner;
- Work closely with the project manager, design architect and/or other design professionals associated with the project;
- Make presentations to the Public Art Committee and other reviewing bodies at project milestones as required by contract; and
- Make public presentations, conduct community education workshops or do a residency at appropriate times and forums in the community where the artwork will be placed, as required by contract.

City departments (agencies where the Artwork is sited) shall:

- Determine, in consultation with the Commission staff, which projects are eligible for public art inclusion, the amount of eligible project costs available for public art and whether the project is appropriate for artist involvement;
- Provide the Commission staff with information on the capital improvement program, budgets and schedules;
- Designate a departmental representative to participate in the artist selection process;
- Include Commission staff on architectural or engineering services selection panels, where feasible;
- Review the maintenance needs survey for artworks located at the site agency;
- Inform the project architect of the artist involvement in the capital improvement project and involve the architect in artist selection; and
- Designate, in consultation with the appropriate leadership, a City representative or project manager for the capital improvement project to act as the Department's agent for all coordination issues related to public art and the overall project.

The City Council shall:

- Review and approve the annual workplan presented by the San Diego Commission for Arts and Culture that shall include identification of eligible capital improvement projects and funding appropriations;
- Appropriate monies for individual capital improvement projects which shall be transferred into the Public Art Fund as part of the annual capital improvement program budgeting process; and
- Approve contracts with artists over \$250,000 for specific public art projects.

Advising agencies (City Attorney, Financial and Management Services, etc.) shall:

- Work with the Commission on the development of the annual budget for program administration and budget allocations;

- Review contracts for selected artists and make recommendations regarding liability, insurance requirements and artists' rights;
- Provide consultation and information regarding particular needs and concerns of the Public Art Program; and
- Coordinate with the Commission staff to determine program success.

Construction Project Managers shall:

- Collaborate with the Commission staff on the development of public art projects;
- Coordinate with the Commission staff on all issues related to the Public Art Program and the overall project including safety, liability, timeline, code requirements and installation deadlines, etc.; and
- Provide the Commission staff and the artist with the appropriate documentation necessary for project compatibility and completion (i.e., architectural design drawings and specifications, as-built drawings, structural drawings, mechanical drawings, electrical drawings, materials to support public outreach efforts, etc.).

Goals of the Selection Process

The overarching goal of the artists selection process is to acquire Artworks of the highest quality. Selecting an artist whose skill, experience, style, commitment to collaboration, and community facilitation skills match the needs of the project is critical to the success of any project. Specifically, the goals of the selection process are to:

- encourage the highest level of creative engagement and vibrant thinking with regard to individual works or those in tandem with public or private architectural projects;
- select an artist or artists whose existing public artworks or past collaborative efforts have maintained a level of quality and integrity;
- implement the goals of the overall capital improvement program or private development project through an appropriate artist selection;
- further the mission and goals of the Public Art Program and the Commission;
- identify the optimal approach to public art that is suitable to the demands of the particular capital project;
- select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves;
- select an artist or artists who can work successfully as members of an overall project design team; and
- ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community and the City department involved.

Methods of Selecting Artists

The method of selection for individual projects shall be determined by Commission staff, in consultation with the Public Art Committee, in accordance with the adopted Public Art Program guidelines and policies. Any of the following methods may be used, depending upon the requirements of a particular project.

Open Competition: An open competition is a call for artists for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials and/or proposals, subject to any limitations established by the Artist Selection Panel or the Public Art Committee. Calls for entries for open competitions will be sufficiently detailed to permit artists to determine whether their work is appropriate for the project under consideration.

Limited or Invitational Competition: A limited number of artists shall be invited by the artist selection panel to submit credentials and/or proposals for a specific project. Artists shall be invited, based on their past work and demonstrated ability to successfully respond to the conditions posed by the particular project (i.e., water features, light works, paintings, sound works, landscape works, design team efforts, etc.), or based on other non-aesthetic Public Art Program goals (i.e., artists who reside in a particular community or neighborhood where a project is occurring, local artists or regional artists, etc.).

Direct Selection: At times the Public Art Committee may elect to recommend a direct selection in which it contracts with a specific artist for a particular project. Such an election may occur for any reason, but will generally occur when circumstances surrounding the project make either an open or limited competition unfeasible (for example; project timeline, community or social considerations, client demand, etc.).

Mixed Process: A mixed process may include any combination of the above approaches.

Pre-Qualified Artists List: The Commission may, from time to time, use an Artist Selection Panel to create a pool of pre-qualified artists who can be utilized by Commission staff to select artists for small, community-based projects where a separate artist selection panel may not be warranted. The pre-qualified artists list should be reviewed annually by the Public Art Committee.

Criteria for Selection of Artists or Artworks

- Qualifications: Artists shall be selected based on their qualifications as demonstrated by past work and the appropriateness of their concepts to the particular project.
- Quality: Of highest priority are the design capabilities of the artist and the inherent quality of artwork.
- Media: All forms of visual arts shall be considered, subject to any requirements set forth by the project prospectus.

- Style: Artists whose artworks are representative of all schools, styles and tastes shall be considered.
- Appropriateness to Site: Artwork designs shall be appropriate in scale, material, form and content to the immediate social and physical environments with which they relate.
- Permanence: Consideration shall be given to structural and surface integrity, permanence and protection of the proposed artwork against theft, vandalism, weathering, excessive maintenance and repair costs.
- Elements of Design: Consideration shall be given to the fact that public art is a genre that is created in a public context and that must be judged by standards that include factors in addition to the aesthetic. Public art may also serve to establish focal points; terminate areas; modify, enhance or define specific spaces; establish identity; or address specific issues of urban design.
- Community Values: While free artistic expression shall be encouraged, consideration must be given to the appropriateness of artworks in the context of local community and social values.
- Public Liability: Safety conditions or factors that may bear on public liability must be considered in selecting an artist or artwork.
- Diversity: The Public Art Program shall strive for diversity of style, scale, media and artists, including ethnicity and gender of artists selected. The program shall also strive for an equitable distribution of artworks throughout the City.
- Communication: The ability of the artist to effectively communicate with a variety of groups, including other design professionals, public officials and community members, should be taken into consideration.

Collection Review

At least once in every three to five-year period, the Public Art Collection should be evaluated by the Commission staff or an independent agency, for the purposes of collection management and in order to assess the collection's future. The City, with the advice of the Commission, shall retain the right to deaccession any work of art in the Collection, regardless of the source of funding for the particular artwork.

Objectives:

- To establish a regular procedure for evaluating artworks in the Public Art Collection;
- To establish standards for the acquisition of artworks by the Public Art Committee;
- To ensure that deaccessioning is governed by careful procedures; and
- To insulate the deaccessioning process from fluctuations in taste – whether on the part of the Public Art Committee, the Commission, the City or the public.

Acquisition Review Standards:

- Acquisitions should be directed toward artworks of the highest quality;

- Acquisition of artworks into the Public Art Collection implies a commitment to the ongoing preservation, protection, maintenance and display of the artworks for public benefit;
- Acquisition of artworks, whatever the source of funding, should imply permanency within the Public Art Collection, so long as physical integrity, identity and authenticity are retained, and so long as the physical sites for the artworks remain intact; and
- When possible, artworks should be acquired without legal or ethical restrictions as to future use and disposition.

Deaccessioning Review Standards:

Any proposal for deaccessioning – the destruction or removal of an artwork in the collection – or relocation of an artwork shall be reviewed by the Public Art Committee according to the policy and procedures contained herein and shall be as deliberate as those practiced during the initial selection. This process should operate independently from short-term public pressures and fluctuations in artistic or community taste. During the review process, the work of art shall remain accessible to the public in its original location. The final decision with respect to deaccessioning of artworks shall rest with the Commission.

Deaccessioning should be a seldom-employed action that operates with a strong presumption against removing works from the Collection.

Artwork may be considered for review toward deaccessioning from the Public Art Collection if one or more of the following conditions apply:

- The condition or security of the artwork cannot be reasonably guaranteed;
- The artwork requires excessive maintenance or has faults of design or workmanship and repair or remedy is impractical or unfeasible;
- The artwork has been damaged and repair is impractical or unfeasible;
- The artwork's physical or structural condition poses a threat to public safety;
- No suitable site is available, or significant changes in the use, character or design of the site have occurred which affect the integrity of the work;
- Significant adverse public reaction has continued unabated over an extended period of time (at least five years)
- Deaccessioning is requested by the artist; or
- The site and/or agency housing the work is undergoing privatization.

Whenever an artwork in the collection is being considered for deaccessioning, the artist shall, whenever practical, be given the first right of refusal to purchase the work at its fair market value.

Donations Policy

From time to time, private individuals, organizations and agencies make donations of Artworks (or funding to acquire or commission Artworks) to the City for general or specific purposes. This policy outlines the procedures that the City

will follow in accepting donations of Artworks. This policy shall also apply to Artworks that are proposed for long-term loan to the City.

Acceptance of a work of art into the City of San Diego collection implies a commitment of its long-term care and preservation. Therefore, the acceptance of such donations must be deliberate, must maintain high aesthetic standards and must further the goals of the City of San Diego. Recognizing that San Diego's public spaces are a valuable and limited public resource, each proposed work of art must add significant and long-term value to the space in which it is proposed to occupy. The purposes of this policy are to:

- provide uniform procedures for the review and acceptance of donations or loans of Artworks to the City;
- vest in a single agency the responsibility of insuring the management and long-term care of donated Artworks;
- facilitate planning for the placement of Artworks on City-owned property;
- preserve the City's public spaces for the greatest enjoyment of the citizens and visitors;
- maintain high aesthetic standards for Artworks displayed or installed in City facilities; and
- provide for appropriate recognition for donors of works or art to the City.

Definitions:

Artist: A person who is generally recognized by critics and peers as a professional visual artist, as judged by the quality of the artist's body of work, educational background, experience, exhibition record, past public commissions or other appropriate criteria.

Artwork: Includes, but is not limited to, physical art that may be free-standing or integrated into a public site, infrastructure or building, or that may be integrated with the work of other design professionals. A public work of art may be permanent or temporary, fixed or portable. A public work of art may be in any style, expression, genre or media, provided that the Artwork is designed by an artist as defined herein. For the purposes of this policy, the following are not considered Artworks:

1. Reproductions by mechanical or other means of original Artworks (however, limited editions controlled by the artist, or original prints, cast sculpture, photographs, etc., may be included);
2. Decorative, ornamental or functional elements that are not designed by an artist selected through an approved selection process;
3. Those elements generally considered to be components of the architecture, landscape design, vegetative materials, pools, paths, benches, receptacles, fixtures, planters, etc., which are designed by

the project architect, landscape architect or other design professional engaged by the primary designer; or

4. Art objects which are mass-produced, ordered from a catalogue, or of a standard design, such as playground sculpture or fountains; directions or other functional elements, such as graphics, signage, color coding, maps, etc.

Donation: A gift of a work of art, or funding to acquire or commission, a work of art.

Long-term Loan: Any loan or display of a work or Artworks that is proposed to be on City property for a period in excess of one year.

Restricted Donation: A donation to the City for a specified purpose, or for which there are conditions or limitations by the donor as to the current or future use.

Unrestricted Donation: A donation to the City without any restrictions or limitations being placed by the donor as to its current or future use.

Policy

Any time a donation or long-term loan of a work of art is proposed for the City of San Diego, the City agency or department ("the department") that operates or maintains the site of the proposed work of art shall consult with the Commission for Arts and Culture, which shall have final responsibility of reviewing and approving such proposed donation or long-term loan.

Guidelines

1. When a donation or long-term loan of a work of art has been proposed, the City department or agency receiving the proposal shall notify the Commission for Arts and Culture ("the Commission"). CAC shall contact the prospective donor to inform the donor of the City's donation policy and gather information about the proposal.
2. Under the guidance of the Commission, the prospective donor and the department shall meet with Commission staff and prepare written and visual documentation of the proposed donation. This documentation shall include, at a minimum, the following:
 - Slides, drawings, photographs or a model of the proposed work;
 - Biography of the artist;
 - Provenance of the work of art, if appropriate;
 - Proposed site and installation plans;
 - Cost of the artwork and budget for installation;
 - Ongoing operating costs for the artwork, if applicable;

- Maintenance requirements for the artwork;
 - Conditions or limitations on the donation proposed by the donor;
 - Contact information for the donor and the artist; and
 - Fair market value to be determined by an independent professional appraisal.
3. The department shall:
- Inform the Commission of the relationship of any advisory boards to the department;
 - Refer proposals for donation of Artworks to the advisory board which shall in turn make a recommendation to the department head and the Commission; and
 - Convey the department's or advisory board's recommendation to the Commission in writing.
4. The Commission, with the aid of an advisory panel made up of practicing artists and other professionals associated with the arts, shall review the donation proposal and determine whether they will accept or reject the donation. The Commission and the advisory panel shall consider the following criteria in making their decision:
- *Aesthetic Considerations:* To ensure Artworks of the highest quality, proposed donations must be accompanied with a detailed written proposal and visual documentation, the artist's professional resume and, if appropriate, a current certified appraisal of the work of art.
 - *Financial/Legal Considerations:* Based on the cost of installation, the proposal should identify sources of funding for the project and the projected cost of operation, maintenance and repair of the work of art over the expected life of the artwork. Careful consideration should be given to any proposed donation that will create substantial, ongoing costs for the maintenance and/or operation of the work of art.
 - *Liability:* The proposal should discuss susceptibility of the work of art to damage and vandalism, any potential danger to the public and any special insurance requirements.
 - *Environmental Considerations:* The proposal should address appropriateness of the work of art to the site and the scale and nature of the work of art in relation to its immediate physical and social context.
5. Upon reviewing the proposed donation, the Commission shall decide to accept the donation, reject the donation, or accept the donation with conditions. To the extent possible, the Commission should accept donations without contractual limitations on the future use, display or

disposal of the work of art. Preference should always be given to unrestricted donations, as opposed to restricted donations. When appropriate, the Commission shall ask the donor to provide funds to permanently endow the maintenance of the work of art.

1. If the Commission chooses to accept the work of art as a donation or a loan, with or without conditions, the Commission shall obtain either a legal instrument of conveyance of title or an executed loan agreement as appropriate. Any conditions the City or donor places on a donation shall be stated in writing and attached to the instrument of conveyance.
2. Once the work of art has been accepted and the City becomes the legal owner, the Commission shall coordinate all processes relating to the installation, maintenance, removal or relocation of Artworks on City-owned property. If a specific department operates and maintains the site of the work of art, the Commission shall consult with the department head to discuss the financial and practical responsibilities of maintaining or operating the work of art.
8. Proposed donations with a value in excess of \$100,000 or which create an ongoing budgetary impact of more than \$10,000 annually shall be submitted to the City Council for final acceptance.
9. The Commission, working with the department head and the donor, shall provide for appropriate recognition of the donor's contribution to the City.

Exception to the Guidelines for Donation of Artworks

Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States – municipal, state or national – which may be accepted by the Mayor, City Council or City Manager shall be reviewed as follows:

- Permanent placement of artworks suitable and accessible for public display shall be determined jointly by the appropriate City department and the Commission.
- Appropriate recognition and publicity shall be the responsibility of the City department with jurisdiction over the site of permanent placement, in consultation with the Commission.
- If not provided by the donor, maintenance of the artwork shall be the responsibility of the department with jurisdiction over the site, in consultation with the Commission.

Acquisition of Artworks by City Agencies outside the Public Art Program

Recognizing that many City facilities were developed without a public art project, City departments are encouraged to allocate funds on a voluntary basis outside

the formal or codified process to enhance their offices and facilities through utilization of the Public Art Program's annual workplan.

Proposed artwork acquisitions by City departments shall be reviewed by the Public Art Committee. Proposed acquisitions shall be accompanied by the following information:

- Slides, photos or a model of the proposed artwork;
- Biography of the artist;
- Proposed site and installation plans;
- Cost of the artwork and budget for installation; and
- Maintenance requirements for the artwork.

Artworks proposed for long-term loan (one year or more) to a City department shall be subject to the same considerations outlined above. Artworks proposed for placement in private offices or in non-public areas of City facilities shall not be subject to Public Art Committee review.

Conservation and Maintenance of the Public Art Collection

The Commission shall survey the entire Public Art Collection every three to five years in order to meet the following objectives:

- To provide for the regular inspection of public artworks;
- To establish a regular procedure for effecting necessary repairs to public artworks;
- To ensure regular maintenance of public artworks; and
- To ensure that all maintenance of public artworks is completed with the highest standards of professional conservation.

Responsibilities

The Artist shall:

- Guarantee and maintain the work of art against all defects of material or workmanship for a period of one year, or as defined by the Public Art Committee, following installation, within the terms of the contract;
- Provide the Public Art Program with drawings of the installation and with detailed instructions regarding routine maintenance of the artwork;
- Be given the opportunity to comment on, and participate in, all repairs and restorations that are made during his or her lifetime; and
- Hold the copyrights for all artworks and designs created under City contracts, provided that the artist shall grant the City a license to reproduce the work in two dimensional form for the purposes of promoting the program and other non-commercial purposes.

The Site Agency or City Department shall:

- Be responsible for routine maintenance of artwork, upon the advice of Commission staff, and shall perform all maintenance work in a manner that is consistent with conservation requirements supplied by the artist;
- Be responsible for reporting to the Public Art Committee any damage to a work of art at a site over which it has jurisdiction;
- Not intentionally destroy, modify, relocate or remove from display any work of art without prior consultation with the Public Art Committee; and
- Not cause any non-routine maintenance or repairs to artworks without prior consultation with the Public Art Committee.

The Public Art Committee shall:

- Provide oversight for conducting a comprehensive maintenance survey of the public art collection at least once every five years. This survey shall include a report on the location and condition of each work, prioritized recommendations for the restoration or repair or maintenance of artworks and estimated costs;
- Communicate with the artist directly to report any necessary modifications to his or her public artwork; and
- On the basis of the condition report, the Public Art Committee may, for those works in need of attention, recommend: 1) that no action be taken; 2) that staff work with the site agency to ensure the work is properly restored; 3) that the site agency make the necessary repairs, in whole or in part, or suggest means of accomplishing restoration; 4) that a professional conservator be engaged to evaluate the condition of the work, or effect repairs to the work; 5) that the artist be asked to repair the work for a fair market value fee; or 6) that the work of art be considered for deaccessioning.

Public-Private Development Projects

Joint development projects with financial participation of the City in conjunction with a private developer shall be administered under the same guidelines as public sector projects. Private developers participating in the program shall be given an opportunity to serve on the panels selecting the art. The private developer shall hold title to the artwork and shall be responsible for its ongoing maintenance and conservation.

Private Development Projects

Private development projects that install Artwork shall not be required to adhere to these guidelines, but shall be negotiated by staff of the Commission for Arts and Culture. The artist selection and design for all public art projects in private development will be reviewed and approved by the Public Art Committee and the Commission. Private developers participating in the program shall be given an opportunity to serve on the panels selecting the art. The private developer shall hold title to the artwork and shall be responsible for its ongoing maintenance and conservation.

PROGRAM PRINCIPLES

Artist Rights

The City of San Diego Commission for Arts and Culture is committed to a climate wherein artists will thrive and receive the economic benefits of, and recognition for, their work. For that reason, it is important that artists retain reasonable control over the integrity of their artworks and receive equitable compensation for their creative endeavors. At the same time, the Commission must also stay aware of the City's need to balance artists' rights with the necessity of making changes from time to time to City-owned buildings and structures that house public art or have public art incorporated into them.

Principles

The City of San Diego Commission for Arts and Culture should assure the following rights to artists, which should be embodied in artist contracts for the commissioning or purchase of work of art.

- Recognizing that successful public art is generally inseparable from the site for which it is created, the Commission should encourage the City to acknowledge artists' rights under the federal Visual Artists Rights Act (VARA) and California Civil Code section 987 and should encourage City departments or site agencies not to move or remove an artwork unless its site has been destroyed, the use of the space has changed, or compelling circumstances require relocation of the work of art. Should it become necessary to move or remove an artwork, the Commission should encourage the City to make reasonable efforts to consult with the artist before effecting any removal or relocation. However, the Commission and the City should reserve the right to move or remove the artwork without notification under emergency circumstances where an immediate threat to property or public safety is present.
- Although the City, in its contract with an artist, may ask the artist to waive his or her federal and state rights in order to protect the City's interests, if an artwork is significantly altered, modified, or destroyed, whether intentionally or unintentionally, the artist retains the right under VARA to disclaim authorship of the artwork. Should an artist choose to exercise this disclaimer, the Commission should, upon artist's request, officially request that the City department or site agency remove any plaques, labels or other identifying materials that associate the work with the artist.
- The integrity of an artwork depends upon regular conservation and maintenance. The Commission is committed to inspect periodically the artworks in its collection and make reasonable efforts to ensure that each

artwork is properly and professionally maintained.

- The Commission should use its best efforts to ensure that all maintenance of and repairs to Artworks are accomplished in accordance with any maintenance and repair instructions the artist has provided to the Commission at the time of accession, and that all such maintenance and repairs adhere to the highest professional standards of artwork conservation. The Commission should make reasonable efforts to notify the artist before the City departments or site agencies undertake repairs or restorations to the artwork during the lifetime of the artwork. Where practical, the Commission should seek to ensure that the artist be consulted and given an opportunity to accomplish the repairs or restorations at a reasonable fee for the lifetime of the artwork. The Commission and the City department or site agency reserve the right to make emergency repairs without prior notification to the artist.
- The artist shall retain all copyrights associated with Artworks accessioned under this program, including those acquired for the City. The Commission agrees that it should not copy or reproduce the artwork in any way without prior written permission of the artist, which should be obtained when the artist and City enter into their agreement. Notwithstanding this policy, the Commission and the City reserve the right to make photographs or other two-dimensional representations of the artwork for public, noncommercial purposes, such as catalogues, brochures and guides.

Artistic Freedom of Expression

The Commission recognizes that free expression is crucial to the making of Artworks of enduring quality. At the same time, public art must be responsive to its immediate site in community settings, its relatively permanent nature and the sources of its funding.

Principles

It is the policy of the Commission to encourage free expression by artists participating in the Public Art Program, consistent with due consideration of the values and aspirations of the citizens of San Diego. Community representatives will be invited to serve on artist selection panels to ensure discussion of community sensibilities. Artists selected to participate in the program will be encouraged to engage the community directly in the process of developing their artistic concepts and designs.

Community Participation and Outreach

The purpose of the Public Art Program is to serve the citizens of San Diego. By building a regular program of educational and promotional activities, a sense of community ownership can be instilled and cultivated. Such activities can

generate broader community appreciation of public art and recognition of the role of public art in reflecting the community's culture.

Principles

The Commission shall make community participation a part of each public art project, as well as of the program as a whole. This goal will be met by utilizing community-based advisory committees, community representation on artist selection panels and artist interaction with the community.

The Commission will develop a comprehensive approach to educational outreach concerning the Public Art Program. Elements of this ongoing educational policy shall include programs in public schools and special events, such as exhibitions, public art tours, artist-in-residence programs, education and/or school programs, publications, brochures, films and videos and public meetings. In addition, avenues such as print and broadcast media will be cultivated in order to give access to the Public Art Program to the widest possible audience.

In order to implement this policy, the Commission shall create an *ad hoc* community outreach committee to oversee efforts to increase community understanding and participation in the Public Art Program.

Conflicts of Interest

The Commission recognizes that it is essential for local artists and other related professionals to serve as members of the Commission, its subcommittees and selection panels. It further recognizes that artists and other related professionals may have a real or perceived conflict of interest when serving in such a capacity while competing for projects. In general, a conflict of interest may arise whenever a Committee, advisory committee or panel member has a business, familial or romantic relationship that would make it difficult to render an objective decision or create the perception that an objective decision would be difficult. A conflict may also arise whenever a Committee, advisory committee or panel member possesses inside information or has a role in the decision-making process that could influence the outcome of a public art process or project. Therefore, the Commission has established policies to govern service on the Commission and its panels.

Principles

Members of the Commission and the Public Art Committee

- Must disclose any real or potential conflict of interest;
- Are not eligible for any competition, commission or project during their tenure on the Commission and the Public Art Committee;

- Must withdraw from participating or voting on any competition, commission or project for which any family member or business associate has any financial interest or personal gain;
- Are ineligible for participation in any competition, commission or project of the Commission or Public Art Committee for a period of one year following the end of an individual's term on the Committee; and
- Are ineligible for any competition, commission or project on which they voted during service on the Committee, regardless of the length of time that has elapsed following Committee service.

Members of Advisory Committees or Artist Selection Panels

- Must disclose any real or potential conflict of interest;
- Must withdraw from participation, discussion and voting on any artist who is a family member, business associate or with whom the panel member has a gallery affiliation; and
- May not enter any competition, commission or project on which they are serving as panelists or advisory committee members.

Balance of Local and Non-Local Artists

The Commission recognizes that, while the primary objective of a program is the enhancement of public spaces in the City for the general benefit of its citizenry, a public art program can also be an important tool in developing the community of artists who reside in the city, county and region.

Principles

The Commission shall seek a balance over time in the awarding of contracts for art projects among local, regional, national and international artists. Factors such as the size of the public art project, the level of visibility of the public site and the availability of outside funding all may influence the decision on the part of the Commission to seek artists from a local, regional or national pool of artists. Over time, the Public Art Committee is committed to ensuring that a share of public art projects be awarded to local and regional artists, to the extent permitted by law.

Non-Discrimination

The Commission recognizes the City of San Diego's Ethics Ordinance, as well as the extraordinary diversity of citizens of San Diego and seeks to be inclusive in all aspects of the Public Art Program.

SECTION FOUR:
APPENDICES

APPENDIX A: PUBLIC ART PROGRAMS COMPARISON***COMPARABLE CITIES***

(Note: According to the 2000 census, San Diego had a population of 1,223,400)

Municipality	Population (2000 census)	Year Established	Public Art Policy	Private Development Policy	Administration	Maintenance
Dallas, TX	1,188,580	1987	1.5% (Water and sewer: .75%)	\$.15/square foot	Public Art Fund: up to .25% of capital project budget	Public Art Fund: up to .25% of capital project budget
San Jose, CA	894,943	1992 (original 1973)	2%	1%	Public Art Fund: 15%	General Fund: from \$10-75K annually. (Seeking strategies to pay from the Public Art Fund)
Phoenix, AZ	1,321,045	1986	1%		General Fund	General Fund
Broward County, FL	1,623,018	1995 (original 1976)	2%		Public Art Fund: 15%	Public Art Fund: 15%
Seattle, WA	563,374	1973	1%		Public Art Fund	Cumulative Reserve Fund (General Fund)
Portland, OR	529,121	1995 (original 1980)	1.33%	Incentive program	Public Art Fund: .33% of capital project budget	Public Art Fund: .05% of capital project budget
Chicago, IL	2,896,016	1978	1.33%		General Fund	Public Art Fund: up to 20%

CALIFORNIA CITIES – LARGE (population over 200,000)

Municipality	Population (2000 census)	Year Established	Public Art Policy	Private Development Policy	Administration	Maintenance
Los Angeles, CA	3,694,820	1989	1%	1% for non-residential projects with budget over \$500K		
Los Angeles Redevelopment Agency, CA		1992 (original 1968)		1% redevelopment projects	Redevelopment funds	Responsibility of private developer
Alameda County, CA	1,443,741	1994	2%	None	Public Art Fund: 15%	Public Art Fund: 15%
San Francisco, CA	776,733	1967	2%	2% for public/private projects		
Long Beach, CA	461,500	1989	1%	1%		General Fund for public projects. Developers fund private maintenance
Sacramento, CA	407,018	1977	2%			
Oakland, CA	399,484	1989	2%			
Stockton, CA	243,771	2000	2%			
Fremont, CA	203,413	1987	1%	1%		

CALIFORNIA CITIES – SMALL (population under 200,000)

Municipality	Population	Year Established	Public Art Policy	Private Development Policy	Administration	Maintenance
Pasadena, CA	133,936	1992	1%	1% (in 1996, 20% deposit to offset admin for projects outside Downtown and old Pasadena).	General Fund, and administrative fee from private developers	User department. Made request for \$15,000/year for 5 years, from General Fund
Escondido, CA	133,559	1975	None	\$.15/square foot		
Sunnyvale, CA	131,760	1983	1%	1%	General and/or Capital Funds - no set percentage	General and Capital Funds - no set percentage
Ventura, CA	100,916	1995 (original 1992)	2%		Public Art Fund: 20%	Maintenance: Facilities Division. Conservation: \$20K annually, from the Public Art Fund
Burbank, CA	100,316	1992	1%	1%	General Fund	20%: General and Public Art Funds
Santa Monica, CA	84,084	1982	1%			
Santa Cruz, CA	54,953	1999	2%			
Brea, CA	35,410	1975	1%	1% for projects with budget over \$1.5 million	General Fund and ad revenue from bus shelters	General Fund and private developers maintain their own artwork
Emeryville, CA	6,882	1990	1.5%	1% for projects with budget over \$300K.		

APPENDIX B: PLANNING PARTICIPANTS**City of San Diego City Council**

Dick Murphy, Mayor

Brian Maienschein
Charles Lewis
Donna Frye
Jim Madaffer
Ralph Inzunza
Scott Peters
Toni Atkins
Michael Zucchet

City of San Diego Commission for Arts and Culture

Aida Mancillas
Calvin Woo
Dorothy Annette
Faye Russell
Jeff Dunigan
Jo Abbey Briggs
Steve Estrada
Steve Miller
Dr. Joyce Gattas
Dr. Vivian Reznik
Randy Robbins
Iris Strauss
Barbara Finn-Pressley
Claire Anderson
Courtney Ann Coyle

Public Art Committee

Bennett Peji
Beverly Schroeder
Dorothy Annette
Holland Gallup
Jim Neri
Jim Wageman
Jo Abbey Briggs
Kate Roe
Kathryn Greco
Kim Duclo
Laura Burnett
Shirley Roese Bahnsen
Steve Estrada
Sue McDevitt

Victoria Reed
Joyce Strauss
Jeffery Laudenslager
Iris Strauss
Christina M. Bodenhamer

Public Art Steering Committee

Chairs

Iris Lynn Strauss
Morgan Dene Oliver, CEO, Oliver McMillan

Dorothy Annette
Don Bacigalupi, Executive Director, San Diego Museum of Art
Fred Baranowski, President, Downtown San Diego Partnership
Mary Beebe, Director, Stuart Collection, UCSD/0010
Phil Blair, President, Manpower
Jo Abbey Briggs, Executive Director, Golden Door Skin Care
Jack Carpenter, Architect, Architects Larsen Carpenter
John Chamberlain, CEO, American Assets, Inc.
Robert Conn, Dean, Jacobs School of Engineering, UCSD
Teddy Cruz, Architect
Hugh Davies, David C. Copley Director, Museum of Contemporary Art SD
Steve Estrada, Landscape Architect, Estrada Land Planning
Raul Guerrero, Artist
Joan Jacobs
Cheryl Kendrick, Campaign Manager, United Way of San Diego
Joann Hayakawa, Professor, SDSU
Kim MacConnel, Professor, Department of Visual Arts, UCSD/0084
Ron Phillips, Vice President, Northern Trust Bank
Margaret Porter Troupe, Owner, Porter Troupe Gallery
Randy Robbins, Architect, Austin Veum Robbins Parshalle
Colette Carson Royston
Catherine Sass, Public Art Director, Port of San Diego
Steve Silverman, Director of Policy Planning, Rick Planning Group
Carolyn Smith, President, Southeastern Economic Development Corporation
Matthew Strauss, Real Estate Developer, MC Strauss Company
Victor Vilaplana, Attorney, Selzer Caplan McMahon Vitek
Elizabeth Yamada, NTC Arts and Culture Foundation
Tina Yapelli, Art Professor, School of Art, Design and Art History

Planning Participants

Frank Belock, Director, Engineering & Capital Projects
Patti Boekamp, Chief Deputy Director of Transportation and Drainage Design
Kirk Butler, Past Member, Public Art Committee
Fletcher Callanta, Engineering & Capital Projects
Jack A. Carpenter, FAIA, Larson/Carpenter Architects

Dan Coffey, Council Representative, District 7
Peggy Cooper, Council Representative, District 4
Anthony Cutri, Principal Architect, Martinez and Cutri Corporation
Julie Dillon, CCDC Board Member & President and Owner of Dillon
Development, Inc.
Jon Dunchack, Special Projects Director, City of San Diego
Alexandra Elias, Senior Planner, Centre City Development Corporation
Milton Fredman, Past Commissioner
Donna Frye, Councilmember, Council District 6
Larry Gardner, Water Department Director
Gail Goldberg, Director of Planning
Darren Greenhalgh, Senior Civil Engineer
Peter Hall, President & CEO, Centre City Development Corporation
Pam Hamilton, Senior Vice President, Centre City Development Corporation
Bruce Herring, Deputy City Manager
Sabrina Hill, Council Representative, District 6
Stephen Hill, Council Representative, District 3
Joan Isaacson, Director, Dyett & Bhatia
Irwin Jacobs, Chairman & CEO, QUALCOMM, Inc.
Michael Johnson, Carrier Johnson, Principal
Erik Judson, San Diego Padres, Vice President, Development
Jessie Knight, President & CEO, San Diego Regional Chamber of Commerce
Michael Krichman, Installation Gallery, In-SITE
Jack McGrory, CEO, Price Entities
Christie McGuire, City Attorney
Ann Molina, Council Representative, District 8
Reed Morgan, Architect & Executive Director, San Diego Chapter of American
Institute of Architects
Mayor Dick Murphy
Jay Nickels, Architect
Afshin Oskoui, Deputy Director of Public Building
Garry Papers, Architect
Scott Peters, Councilmember, Council District 1
Francine Phillips, Council Representative, District 2
Robert Pincus, Art Critic, San Diego Union Tribune
John Price, Vice President/Program Manager, Camp Dresser & McKee Inc.
Rob Quigley, Architect
Walter Rask, Manager of Architecture and Planning, Centre City Development
Corporation
Ron Roberts, County Supervisor
Joe Ross, Policy Advisor, Council District 1
Beverly Schroeder, Senior Planner, Centre City Development Corporation
Greg Shannon, Developer- Sedona Pacific Group
Mike Stepner, Director of Land Use and Housing, San Diego Regional Economic
Development Corporation
Eric Swenson, Deputy City Attorney

Scott Tulloch, Director, City of San Diego Metropolitan Wastewater
Jeff Van Deerlin, Council Representative, District 2
Jim Varnadore, Ordinary Citizen
Byron Wear, Former Councilmember, District 2
Janice Weinrick, Vice President of Real Estate, Centre City Development Corporation
Harvey White, Chairman & CEO, Leap Wireless
Craig Whittemore, Water Department
Karen Winner, Editor, San Diego Union Tribune
Lance Witmond, Chief of Staff, Council District 5
Margaret Radnick, Council Representative District 2

Roundtable Participants

Businesspersons

Laurie Black, LJ Black Construction Group
Barbara Daley, Consultant
Sherman Harmer, Jr., Managing Principal, Urban Development Group
Jackie Jennings, Johnson & Jennings Contracting, Downtown Partnership
Mike Madigan, CEO, Immigration Museum of New Americans
Bob Morris, Episcopal Community Services, Downtown Partnership
Evelyn Shields, D.A. Shields Construction

Press

Dan Erwine, KPBS
Carl Nettleton, City Communications

Arts Professionals

Lynda Forsha, Curator
Arthur Ollman, Director, MOPA
Allison Whitelaw, Architect

City Project Managers

Nader Abuljebain
Sheila Glanville
Dieter Haschke
Tina Huang
Yousef Ibrahim
Kevin Oliver
Janet Wood

Artists

Mary Lynn Dominguez
Faiya Fredman
Mathieu Gregoire
Larry Kline

Debbie Kline
Jeffery Laudenslager
Deirdre Lee
Anne Mudge
Deanne Sabeck
Joyce Cutler Shaw
Elizabeth Washburn

Local Arts Agencies

Susan Pollack, Escondido
Michael Summers, El Cajon
Ric Todd, Chula Vista
Celestine de la Victoria, Port of San Diego

Business Improvement Districts

Elizabeth Cumming, Mission Hills Association
Grover Diemert, Bayside Settlement House
Dan Flores, Gaslamp Quarter Association
Kathie Hardie, Diamond Community Development Group
Scott Kessler, Business Improvement District Council
Lee Lipsey, Point Loma Association
Shelley Miller, Discover Pacific Beach

Public Address

Robin Brailsford
Mathieu Gregoire
Nina Karavasiles
Aida Mancillas
Lisa Schirmer

Libraries

Mel Katz, Executive Officer, Manpower San Diego
Anna Tatar, Director, San Diego Main Library
Mary Walshok, UCSD

CCDC Downtown Community Plan Update Projects Committee

Hal Sadler, Tucker Sadler
Robert Ito

CHARRETTE PARTICIPANTS

Sandy Arbuckle, Architect, James Leary Architecture & Planning
Marie Blanchard, Artist
Doug Childs, Architect, James Leary Architecture & Planning
James Christensen, Artist
Judith Christensen, Artist
Jean Colston, Community Member
David Como, Artist
Carol Dick, Architect, UCSD
Grover Diemert, Community Member, Executive Director, Bayside Community Center
Steve Estrada, Landscape Architect, Estrada Land Planning
Peter Evaristo, Artist
Holland Gallup, Architect, Weiber Nelson Design Inc
Michael Gildea, Architect, Austin Veum Robbins Parshalle
Ken Goldman, Artist
Becky Guttin, Artist
Steven Hayes, Community Member, President, Diamond BID
John Hiemstra, Artist
Paul Hobson, Artist
Chuck Kaminski, Architect, UCSD
Maryan Kiser, Designer
Marti Kranzberg, Community Member & Partners for Livable Places
Mario Lara, Artist
Christopher Lee, Artist
Deirdre Lee, Artist
David Lee, Artist
Aida Mancillas, Artist, owner, Art Produce
Andrew Marino, Artist
John Matsch, Artist
Brian Matthews, Artist
Philip Matzigkeit, Artist
Sue McDevitt, City of San Diego, Community Development Dept.
Jessica McGee, Community Member
Todd McKerrow, Designer, NTD Architects
Kotaro Nakamura, Artist
Debi Owen, Community Member, Gallery Owner & Downtown San Diego Partnership
Hector Perez, Architect, De-Arc
Ellen Phillips, Artist
Randy Robbins, Architect, Austin Veum Robbins Parshalle
Shirley Roesse Bahnsen, Artist
Pita Ruiz, Community Member
John Sadowski, Architect, James Alcorn and Assoc.
Claudia Salazar, Architect, Austin Veum Robbins Parshalle
Octavio Salazar, Artist

Lisa Schirmer, Artist
Beverly Schroeder, CCDC
Kari Lorraine Scott, Artist
Ruben Seja, Artist
Buddy Smith, Artist
Sally Smith, Artist
Dan Smith, Architect, Robbins Jorgensen Christopher
Shelley Stefanyszyn, Arts Administrator, San Diego Historical Society
Mario Torero, Artist
Louise Torio, Community Member & MTDB
Lela Van, Artist
Robert Wertz, Designer, Divine by Design
John Whalen, Artist
Julie Wolfe, Artist, Nofufi Garden Gallery

APPENDIX C: REFERENCES

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